

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 10, 2014

Mayor Philip Levine  
Vice-Mayor Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Micky Steinberg  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Code should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Meeting called to order at 8:30 a.m.

Inspirational Message given by Pastor Glenn Bosley-Mitchell of St. John's on the Lake.

Pledge of Allegiance given by Police Deputy Chief Laurretta Hill.

Rafael E. Granado, City Clerk, announced the added items. He added, for the record, that Item R9Q is being withdrawn and there are two corrections: on R7N the correct name is read Ric-Man International Construction, (International was omitted on Page 44), and R7O was formerly item C7H.

### SEPARATED ITEMS:

C4H and C4L	Separated by Vice-Mayor Grieco
C7Z and C7Y	Separated by Commissioner Tobin
C4L and C7N	Separated by Commissioner Weithorn
C7K	Separated by Commissioner Wolfson

### ADDENDUM MATERIAL 1:

C4N	C4O	R9V
R9W	R9X	

## ADDENDUM MATERIAL 2:

## Information Report No. 4

### ADDENDUM MATERIAL 3:

C7Z      R9Y      R9Z

## SUPPLEMENTAL MATERIAL 1:

C4L	Superseding Memorandum
R7E	Resolution
R7F	Memorandum and Resolution
R7I	Resolution and Term Sheet
R7J	Resolution
R7N	Memorandum

## SUPPLEMENTAL MATERIAL 2:

R7A2 Resolution

The City Commission will recess for lunch at approximately 12:00 p.m.

## ADDENDUM AGENDA

9:04:53 a.m.

**ACTION:** Motion made by Commissioner Weithorn to add items C4N, C4O, R9V, R9W, R9X, Informational Report No. 4, C7Z, R9Y and R9Z to the Commission Agenda; seconded by Vice-Mayor Grieco; Voice-vote: 7-0.

## Presentations and Awards

Presentations and Awards will take place September 17, 2014.

## CONSENT AGENDA

9:07:53 a.m.

**ACTION:** Motion made by Commissioner Tobin; seconded by Commissioner Weithorn to approve the Consent Agenda except separated items C4H, C4L, C7K, C7Z, C7Y and C7N; Voice-vote: 7-0.

## **C2 - Competitive Bid Reports**

C2A Request Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-159 For Maintenance And Repair Of Citywide Fountains.  
(Property Management/Public Works/Procurement)

**ACTION:** Request approved. **Anthony Kaniewski, Eric Carpenter and Alex Denis** to handle.

- C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-191-SW For Citywide Painting (Interior And Exterior) And Waterproofing Services.  
(Property Management/Public Works/Procurement)

**ACTION:** Request approved. **Anthony Kaniewski, Eric Carpenter and Alex Denis to handle.**

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Planning Board - Proposed Ordinance Amendment To Section 118-5, To Provide A Definition For A Unified Development Site.  
(Planning)

**ACTION:** Item referred. **Thomas Mooney to place on the board agenda and to handle.**

- C4B Referral To The Finance And Citywide Projects Committee A Discussion Regarding Potential Purchase Of Air Rights For 6940 Abbott Avenue From AT&T For Future Development Of A Parking Garage In The North Beach Town Center.  
(Tourism, Culture & Economic Development)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

- C4C Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Modify The Building Height Measurement Requirements For Single Family Homes.  
(Sponsored by Land Use and Development Committee)  
(Legislative Tracking: Planning)

**ACTION:** Item referred. **Thomas Mooney to place on the board agenda and to handle.**

- C4D Withdrawal Of Previous Referral To The Planning Board - Proposed Amendments To The Land Development Regulations To Modify Single Family Homes.  
(Sponsored by Land Use and Development Committee)  
(Legislative Tracking: Planning)

**ACTION:** Item withdrawn. **Thomas Mooney to handle.**

- C4E Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Require That The Demolition Of Any Single Family Home Include Posting As Part Of The Comprehensive Demolition Procedures Pending Before The Planning Board.  
(Sponsored by Land Use & Development Committee)  
(Legislative Tracking: Planning)

**ACTION:** Item referred. **Thomas Mooney to place on the board agenda and to handle.**

- C4F Referral To The Planning Board - Review Of A Waiver Of Development Regulations In A GU District For Alcoholic Beverage Service At The Byron Carlyle Theater For O Cinema And At The Miami Beach Cinematheque.  
(Tourism, Culture & Economic Development)

**ACTION:** Item referred. Thomas Mooney to place on the board agenda. **Max Sklar to handle.**

- C4G Referral To The Finance And Citywide Projects Committee And The Mayor's Blue Ribbon Panel On Flooding And Sea Rise Regarding The 2015-2016 Storm Water Utilities Calculations Methodology.

(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Item referred. Patricia Walker and Bruce Mowry to place on the committee agendas. **Patricia Walker and Eric Carpenter to handle.**

**9:09:44 a.m.**

- C4H Referral To The Historic Preservation Board Regarding Ocean Drive CIP Project And Accompanying Amendments To The Sidewalk Café Ordinances.

(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Item separated by Vice-Mayor Grieco. Item referred with the addition of the listed provisions below. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco. **Thomas Mooney to place on the board agenda. Thomas Mooney and David Martinez and to handle.**

Vice-Mayor Grieco was at the LGBT committee meeting yesterday, and they asked consideration regarding rainbow crosswalks, and possibly having the entire intersections done with brick pavers in the rainbow flag colors. He wanted to add the possibility of adding rainbow colors on street signs as Commissioner Steinberg had recommended previously. Vice-Mayor Grieco proposed adding the rainbow crosswalks and the rainbow street signs to be included in this referral.

Motion made by Commissioner Weithorn to approve the referral with the additions; seconded by Vice-Mayor Grieco. **Thomas Mooney to place on the board agenda. Thomas Mooney and David Martinez and to handle.**

- C4I Referral To Land Use And Planning Board Regarding An Ordinance Amendment To Chapter 106 Relating To Parking - To Require A Parking Plan During Construction For Commercial Building Projects.

(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Item referred. Thomas Mooney to place on the board agenda. **Thomas Mooney, Saul Frances, Mariano Fernandez to handle.**

- C4J Referral To The Finance And Citywide Projects Committee To Permit The Vacation Of A Right-Of-Way Parcel On The North Side Of 5860 North Bay Road And Approve A Storm Water Utility Easement, To Facilitate The City's Storm Water Improvements On The South Side Of The Same Property.

(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Eric Carpenter to handle.**

- C4K Referral To The Budget Advisory Committee From The Finance And Citywide Projects Committee To Discuss Strategic Pricing For Miami Beach Golf Club And Normandy Shores Golf Club; And Review Of The Premier Golf Card.

(Parks & Recreation)

**ACTION:** Item referred. John Woodruff to place on the committee agenda. **John Rebar to handle.**

**9:10:40 a.m.**

- C4L Referral To The Next Land Use & Development Committee - Revise Proposed Amendment To The Land Development Regulations To Establish Demolition Procedures For All Properties In The City.

(Requested by Commissioner Deede Weithorn)

**ACTION:** Item referred. Item separated by Vice-Mayor Grieco and Commissioner Weithorn. Motion made by Vice-Mayor Grieco, seconded by Commissioner Weithorn. **Thomas Mooney to place on the committee agenda and to handle.**

Vice-Mayor Grieco wants to include an amendment in the demolition Ordinance to require demolition materials be recycled. He gave the example of California, where at least 50% of demolition materials must be recycled.

Commissioner Weithorn stated that she pulled the item, not because she is against it, but because she believes more work needs to be done on it, and is in favor of Vice-Mayor Grieco's recycled demolition materials proposal.

Commissioner Malakoff expressed that she does not want to see this item constantly delayed.

Thomas Mooney, Planning Director, stated that the item could be ready for the next Land Use Committee agenda. The Land Use Committee will meet on October 1, and then it may go to the Planning Board in October.

- C4M Referral The To Finance And Citywide Projects Committee - Discussion Regarding A New Program For Expedited Lien Searches With A Turn-Around Time Of One To Two Business Days; Charging Customers \$250.00 For An Expedited Certified Lien Search And \$300.00 For An Expedited Certified Condominium Lien Search Including Common Areas.

(Finance)

**ACTION:** Item referred. **Patricia Walker to place on the committee agenda and to handle.**

**ADDENDUM MATERIAL 1:**

C4N Direction And Authorization For The City Manager To Withdraw Planning Board File No. 2199 Concerning Proposed Ordinance To Establish Demolition Procedures Outside Of Historic Districts, And Refer The Ordinance Back To The Land Use And Development Committee (LUDC) To Discuss The Potential Impact On Property Rights.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item approved and referred. **Thomas Mooney to place on the committee agenda and to handle.**

**ADDENDUM MATERIAL 1:**

C4O Referral To The Land Use And Development Committee To Discuss Possible Amendments To Chapter 6 And Chapter 142 Of The City Code.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

**C6 - Commission Committee Reports**

C6A Report Of The Neighborhood/Community Affair Committee Meeting Of July 25, 2014:

1) Discussion Regarding A Request From The North Bay Village Mayor To Discuss North Bay Village Residents' Use Of The Normandy Isle.

**MOTION:** by Commissioner Weithorn to have North Bay Village residents use the Normandy Pool at half price of the nonresident fee, and have a discounted rate of 75 dollars for the beach volleyball. Seconded Commissioner Steinberg.

2) Discussion Regarding An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places" By Amending Section 70-67, Entitled "Prohibited Activities" To Prohibit Motorized Means Of Transportation.

**MOTION:** by Commissioner Weithorn to have Mr. Stolar work with Administration on a revised Ordinance with the recommendations stated and bring it back to the October Neighborhood/Community Affairs Committee Meeting. Henry Stolar- (resident) spoke. Seconded by Commissioner Malakoff.

3) Discussion Regarding A Motion Made By The Committee For Quality Education To Explore An Additional Exit Installed At The Northeast Corner Of The Public Parking Lot At 42<sup>nd</sup> Street And Royal Palm Avenue Beside North Beach Elementary School.

**MOTION:** by Commissioner Weithorn to move it to Commission with positive recommendation. Seconded by Commissioner Tobin.

4) Discussion Regarding A Commercial Use Permit Process And Fee For The Purpose Of Legitimizing And Managing Fitness Training And Other Outdoor Professional Services At City Facilities, Parks And Beach.

**MOTION:** by Commissioner Weithorn to bring back the item with additional information and the recommendations made during this NCAC meeting. Seconded by Commissioner Steinberg.

5) Discussion Regarding The Current Flamingo Park Master Plan.

**MOTION:** by Commissioner Weithorn to continue with the original plan for Flamingo Park. If the City does not need the additional handball courts than she does not feel the money should be spent. John Rebar-There are currently tallies being done on the usage of the handball equipment to see how many would actually be needed. Commissioner Weithorn- Stated that continually readdressing plans delays the project and would like to keep future plans without revisions unless it is a pressing emergency. Seconded by Commissioner Steinberg.

6) Discussion Regarding South Pointe Park-Washington Avenue Water Feature Remediation.

**MOTION:** by Commissioner Weithorn to move option 1 with positive recommendation to the City Commission. Seconded by Commissioner Steinberg.

7) Discussion Regarding The Creation Of A Holistic Plan For Collins Park.

**MOTION:** by Commissioner Weithorn to have a conversation with the Bass Museum, business, owners, hotel owners, and all interested parties in order to have a holistic conversation about future plans for Collins Park. Seconded by Commissioner Steinberg.

8) Discussion Regarding Automated External Defibrillators (AED) In Public Places.

**MOTION:** by Commissioner Weithorn to move the item to City Commission with positive recommendation. Seconded by Commissioner Steinberg.

C6B Report Of The Land Use And Development Committee Meeting Of August 20, 2014:

1) Discussion On How To Mitigate The Impact Of The Loading Zone Ordinance On Available Washington Avenue Parking.

**MOTION:** MG /JM (2-0)

Enforcement of loading requirements to begin on October 1, 2014 and parking enforcement to begin when the Off-Street Parking Department is ready.

2) Sea Level Rise And Building Heights.

**MOTION:** JM/JW (2-0)

Recommend that the City Commission refer an Ordinance to the Planning Board that would add Miami Beach 'Freeboard' to the measurement of Building Heights for single family homes.

3) Discussion On Proposed Amendments To The Single Family Home Ordinance.

**MOTION: MG / JW (3-0)**

1. Refer the Administration recommendation, as amended, to the Planning Board with a favorable recommendation.

2. Recommend that the City Commission withdraw the following referrals to the Planning Board:

a. To Amend the regulations to only allow roof decks on homes with direct access to the open bay and on single story homes.

b. Extending the year of required DRB review for the replacement of Architecturally Significant homes from 1942 to 1966.



3. Recommend to the City Commission that the demolition of any single family home include posting as part of the comprehensive demolition procedures pending before the Planning Board.

4) Washington Avenue Scope Of Services.

**MOTION: JW / JM (2-0)**

Negotiations for the massing study may proceed and be considered by the City Commission on September 10, 2014.

5) Sidewalk Café Solicitation.

**MOTION: MG / JM (3-0)**

Move the item to the City Commission for First Reading with a recommendation of approval.

C6C Report Of The Finance And Citywide Projects Committee Meeting Of July 30, 2014:

1) Discussion Regarding Financial Impact Of The Proposed Roadway Closure Applications For 87 Street And 87 Terrace Filed By 8701 Collins Development.

**ACTION:**

A. The Committee recommended that 8701 Collins Development work with staff to further develop a term sheet for the 87th Terrace Vacation that is agreeable to be brought back to the September 10, 2014 Commission Meeting.

B. The Committee recommended staff move forward on negotiating a term sheet with 8701 Collins Development for the Developer's purchase of the City surface parking lot located at 226-87th Terrace, Miami Beach, FL, so that it can be brought back to the September 10, 2014 Commission Meeting.

2. Discussion on increasing the Living Wage Rate in Accordance with the options pursuant to the Ordinance 2010-3682.

**City Clerk's Note: See Item R7F**

2) Discussion On Increasing The Living Wage Rate In Accordance With The Options Pursuant To The Ordinance 2010-3682.

**ACTION:**

The Committee recommended that the living wage rate paid to the employees of City Contractors, be increased with the Cola set for unclassified employees for FY14-15 of 3% which equates to an hourly rate with and without benefits of 11.62113.31 with an estimated financial impact for 2014-15 of \$256,750.

3) Discussion On The Proposed Terminal Island Residential Project.

**ACTION:**

The Committee recommended that the term sheet be further reviewed in the areas of the appraisal, incorporate additional term of (i) unanimous consent in event of change of use of property from industrial to other; no assignment of project to another developer prior to Certificate of Use of project; parking needs; cost of City facilities portion of project and new specifications of the building; no special events. The item is moved to the September 10, 2014 Commission Meeting Commission with no recommendation.



**4) Discussion Regarding The Vacation Of St. Patrick's Campus (Portion Of North Meridian Avenue Between Barry And 39<sup>th</sup> Street).**

**ACTION:**

The Committee recommended that the City Commission approve the vacation of the property and to have St. Patrick's work with staff to make sure that there is no issue with City access to any City easement on property to be vacated.

**C6D Report Of The Finance And Citywide Projects Committee Meeting On August 13, 2014:**

**1) Discussion Regarding The Greater Miami Convention And Visitors Bureau Interlocal Agreement.**

**ACTION:**

The Committee recommended moving forward on a month to month extension under the current contracted terms not to exceed one (1) year. The intent is for staff to re-negotiate an incentive base plan that establishes a base fee and an incentive fee to be paid based on the overall achievement of annual performance goals. Budget is to also add a line item for an owner's representative that is not to exceed \$161,000 at the City Manager's discretion. Staff is to bring back the item to Committee once negotiations are completed.

**2) Discuss The Purchase Of Flood Insurance, All-Risk Property Insurance, Including Windstorm, Boiler & Machinery Insurance For City Buildings And Contents (Including New Construction); And Fine Arts Insurance (Bass Museum), As Proposed By Arthur J. Gallagher Risk Management Services, Inc., The City's Broker Of Record.**

**ACTION:**

The Committee recommended that Staff maintain the \$330,000 enhancement for increased windstorm coverage, but amend the description to offset the existing deficit instead of covering additional windstorm insurance premium. The funds could potentially be used during Fiscal Year 2015 to purchase additional insurance prior to next year's hurricane season, depending on feedback from the State.

**3) Discussion Regarding The Use Of The Byron Carlyle Theater.**

**ACTION:**

The Committee did not recommend moving forward at this time.

**4) Employee Wellness Program.**

**ACTION:**

The Committee recommended allocating \$53,000 to a wellness program for staff to work with Gallagher on issuing a RFP. This would be a component of the benefits of employment with the City of Miami Beach anticipating eventual savings to the health plan and the benefits of a healthier work force outweighing the cost.

**5) Status Update On FY 2014/15 General Fund Operating Budget Potential Efficiencies, Reductions, Enhancements, Revenue Enhancements.**

**ACTION:**

The Committee recommended that staff review the expenditures of the World Out Games as a caveat to deferring the repayment of the \$50,000 in matched funds previously provided to fiscal year 2015/2016.

## C6E Report From The July 9, 2014 Flooding Mitigation Committee Meeting:

1) Update From The Mayor's Blue Ribbon Panel On Flooding And Sea Rise;

2) Status On Flooding Mitigation Related Projects;

**ACTION:** Commissioner Wolfson requested a list on a board of every project underway and planned for the next meeting to be held September 3, 2014

3) Presentation Of Seawall Design And Decision To Increase Seawall Height.

**ACTION:** The Committee voted to establish the minimum seawall height at 5.7 NAVD and to pass the recommendation onto the City Commission.

### **C7 - Resolutions**

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To The US Department Of Homeland Security In The Approximate Amount Of \$100,000 For Urban Area Security Initiative (UASI) Funding For The City's Homeland Security Needs; 2) Submit An Application To The Rockefeller Foundation For The 100 Resilient Cities Challenge, For Technical And Financial Resources To Create And Execute Resilience Strategies On A Citywide Scale; And, 3) Execute An Interlocal Agreement And Affidavit With Miami-Dade County For The FY 2014/15 Miami-Dade County Municipal Parking Fines Reimbursement Program, For Funding In The Approximate Amount Of \$55,000, To Improve Accessibility And Equal Opportunity To Qualified Persons Who Have Disabilities And To Conduct Public Awareness Programs; 4) Submit A Grant Application To The State Of Florida, Department Of Health, For Funding In The Approximate Amount Of \$40,000 For Equipment Related To Pre-Hospital Emergency Services Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; 5) Submit A Grant Application To The Little Lighthouse Foundation In The Approximate Amount Of \$5,000 For Funding For Success University; And, Further, Retroactively Approving The Following: 6) Submit A Grant Application To The Children's Trust Service Partnership Program For Funding In The Approximate Amount Of \$425,000 For The City's Success University Program And Further Authorizing The City Manager Or His Designee To Take All Necessary Steps And Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant/Funding Agreements And Audits.

(Budget & Performance Improvement)

**ACTION: Resolution 2014-28710 adopted.** Patricia Walker to appropriate funds if received and accepted. **Judy Hoanshelt to handle.**

C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Settlement Agreement And Mutual Release Between The City Of Miami Beach (City) And David Mancini & Sons, Inc., (DMSI), In The Amount Of \$400,000, To Settle All Pending And Future Claims For Damages By DMSI Pertaining To The Bayshore Neighborhood 8E - Sunset Islands 1 & 2 Right-Of-Way Infrastructure Improvement Project; With Previously Appropriated Funding.

(Capital Improvement Projects)

**ACTION: Resolution 2014-28711 adopted. Office of the City Attorney to handle.**

**C7C Appointment Of Chief Special Master**

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Appointment Of Enrique Zamora, Esq., To Serve As Chief Special Master, For A Term Commencing On October 24, 2014, And Ending On April 23, 2015; Provided Further That Chief Special Master Zamora Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

**ACTION: Resolution 2014-28712 adopted. Rafael E. Granado to handle.**

2. A Resolution Approving And Appointing, Pursuant To Section 102-356 Of The City Code, Enrique Zamora, Esq. (Chief Special Master Appointed Pursuant To Resolution No. 2014-28712 As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Zamora's Term As Chief Special Master On October 24, 2014, And Ending On April 23, 2015.

(City Clerk's Office)

**ACTION: Resolution 2014-28713 adopted. Rafael E. Granado to handle.**

- C7D** A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2014-050-SR (The RFQ), For A Master Plan Of The Lincoln Road District; Authorizing The Administration To Enter Into Negotiations With James Corner Field Operations, L.L.C.; And Should The Administration Not Be Successful In Negotiating An Agreement With James Corner Field Operations, L.L.C., Authorizing The Administration To Enter Into Negotiations With B.I.G. Architecture, D.P.C.; And Should The Administration Not Be Successful In Negotiating An Agreement With B.I.G. Architecture, D.P.C., Authorizing The Administration To Issue A New RFQ; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(City Manager's Office/Procurement)

**ACTION: Resolution 2014-28714 adopted. Joe Jimenez and Alex Denis to handle.**

- C7E** A Resolution Approving Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase And Installation Of Mutualink Peer-To-Peer Interoperable Network Access Multimedia Communications Platform To Include Software Licensing, Upgrades, Annual Maintenance And Training From Mutualink, Inc., The Sole Source Provider, Manufacturer, Integrator and Sole Distributor.

(Emergency Management/Procurement)

**ACTION: Resolution 2014-28715 adopted. Charles Tear and Alex Denis to handle.**

- C7F A Resolution Approving Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase And Installation Of Emergency Medical, Police And Fire Priority Dispatch Systems To Include Software, Training And Annual Maintenance, From Priority Dispatch Corporation, The Sole Source Distributor.  
(Emergency Management/Procurement)

**ACTION: Resolution 2014-28716 adopted. Charles Tear and Alex Denis to handle.**

- C7G A Resolution Adopting The Certificate Of County Canvassing Board For The August 26, 2014 Special Election For The City Of Miami Beach, And Declaring Results Thereof.  
(Office of the City Attorney)

**ACTION: Resolution 2014-28717 adopted. Office of the City Attorney and Rafael E. Granado to handle.**

The Certificate of the results of the August 26, 2014 City of Miami Beach Special Election have been received from the Miami-Dade County Supervisor of Elections, are attached to resolution 2014-28717 as Composite Exhibit "A," and are incorporated herein. Said Certificate reflects that: Question "A" as set forth below was approved by the electorate of the City of Miami Beach<sup>1</sup>; Question "B" as set forth below was approved by the electorate of the City of Miami Beach; Question "C" as set forth below was approved by the electorate of the City of Miami Beach; and Question "D" as set forth below was approved by the electorate of the City of Miami Beach.

QUESTION "A":

**City Charter Section 2.02: Amending Mayor and City Commissioner Term Limit Provisions**

Charter Section 2.02 establishes Mayor's term limit of three consecutive two-year terms (six consecutive years) and Commissioner's term limit of two consecutive four-year terms (eight consecutive years). Shall this Section be amended to:

- Delete "consecutive" limits, establish instead Mayor's three two-year term limit and Commissioner's two four-year term limit;
- Establish that service by a Commission member (including filling vacancy) in excess of 50% of a term shall constitute a full "term"?

YES 3,532 Votes

NO 1,434 Votes

QUESTION "B":

**City Charter Section 2.04: City Commission's Selection of Vice-Mayor**

Charter Section 2.04 provides that the City Commission shall choose from its membership a Vice-Mayor, said selection to occur at the Commission's first meeting within 3 days after each General Election or if Runoff Election is held, within 30 days thereafter.

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<sup>1</sup> The four ballot questions have been lettered "A"; "B"; "C"; and "D" for ease of reference herein only and were not so lettered on the ballot.

Shall these dates be changed to provide that the Commission's initial selection of Vice-Mayor shall occur at its first Commission meeting occurring after the General Election or after Runoff Election, if held?

YES 3,475 Votes

NO 1,281 Votes

QUESTION "C":

**City Charter Section 6.04: Supplemental Qualifying Ending Date for Filling of Vacancy in Candidacy**

Shall City Charter Section 6.04 governing "Vacancy in Candidacy" be amended to provide that the ending date for supplemental qualifying due to fewer than two candidates remaining on City ballot due to death, withdrawal or removal of a qualified candidate after the qualifying period has ended be changed from 26 days to 45 days prior to the election date?

YES 3,271

NO 1,410

QUESTION "D":

**Amending Board of Adjustment Jurisdiction Regarding Variances**

Shall the City of Miami Beach's Related Special Acts Section 2 regarding the City's Board of Adjustment be amended to except from the Board's jurisdiction those variance requests specified as part of applications for development approval within the jurisdiction of the Design Review Board or Historic Preservation Board?

YES 2,743

NO 1,912

- C7H A Resolution Approving The One-Time Use Of Advance Drawdowns Of Home Investment Partnership (HOME) Program Funds By Carrfour Supportive Housing, Inc. (Carrfour), Which Drawdown Will Fund Carrfour's Harding Village Rehabilitation Project, Facilitate The City's Timely Expenditure Of Said Funds By September 30, 2014, And Avoid Any Recapture Of The Funds By HUD; And Further Authorizing The City Manager, Or His Designee, To Review And Approve Such Draw Requests.

(Housing & Community Services)

**ACTION:** Item moved to R7O. See action with R7O.

Handouts or Reference Materials:

1. Email from Marcia Monserrat dated September 8, 2014 RE: C7H.

- C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant Request For Proposals No. 2014-127-LR (The RFP), For Medical Services For Pre And Post Employment Services; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, The Mount Sinai Medical Center; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Work Injury Solutions Of Dade County D/B/A Health Care Center Of Miami; And Further Authorize The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Human Resources/Procurement)

**ACTION: Resolution 2014-28718 adopted. Sylvia Crespo-Tabak and Alex Denis to handle.**

- C7J A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue A Request For Proposal (RFP) For A Wellness Program As A Component Of The Employment Benefits With The City Of Miami Beach.  
(Human Resources)

**ACTION: Resolution 2014-28719 adopted. Sylvia Crespo-Tabak to handle.**

**9:29:58 a.m.**

- C7K A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Invitation To Negotiate (ITN) 2014-170-SW For A Gated Revenue Control System For The City's Parking Garages; Authorizing The Administration To Enter Into Negotiations With All The Proposers; To Wit: Skidata, Inc., Amano McGann, Inc., LCN, Inc. D/B/A Consolidated Parking Equipment, WPS USA Corp., And Scheidt & Bachmann USA, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Parking/Procurement)

**ACTION: Resolution 2014- 28720 adopted.** Item separated by Commissioner Wolfson. Motion made by Commissioner Wolfson; seconded by Commissioner Tobin. Voice-vote: 7-0. **Saul Frances and Alex Denis to handle.**

Commissioner Wolfson asked to review the final contract before the City enters into agreement with the parking equipment companies. **Saul Frances and Alex Denis to handle.**

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Professional Services Agreement (Agreement) With Walker Parking Consultants, Inc., Dated October 30, 2013; Said Amendment Increasing The Scope Of The Agreement To Include A Parking Demand Analysis For Middle Beach, To Be Funded From The Remaining Contingency Funds Under Said Agreement, In An Amount Not To Exceed \$17,000.  
(Parking)

**ACTION: Resolution 2014-28721 adopted. Saul Frances to handle.**



- C7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant Invitation To Negotiate No. 2014-215-LR (The ITN), For Band Shell Management Services; Authorizing The Administration To Enter Into Negotiations With The Rhythm Foundation, Inc.; And If Unsuccessful In Negotiating An Agreement With The Rhythm Foundation, Inc., Authorize The Administration To Negotiate With The Fantasy Theatre Factory, Inc. And The Market Company, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Parks & Recreation/Tourism & Cultural Development/Procurement)

**ACTION: Resolution 2014-28722 adopted. John Rebar, Max Sklar and Alex Denis to handle.**

**9:09:44 a.m.**

- C7N A Resolution Accepting The Recommendations Of The Neighborhood/Community Affairs Committee At Its July 25, 2014 Meeting, And Providing North Bay Village Residents With Access To The Normandy Isle Park Pool, Located At 7030 Trouville Esplanade, Between The Hours Of 9:00 a.m. And 4:00 p.m., During Non-Summer Months, At A Fifty Percent Reduced Rate From The Miami Beach Non-Resident Rates; And Offering An Additional Registration Period For The City's Beach/Sand Volleyball Program For North Bay Village Residents At A Reduced Rate To Be Equal To Fifty Percent Of The Difference Between The Miami Beach Resident Rate And Miami Beach Non-Resident Rate, With Said Registration Period To Occur After The Registration Period Offered For Miami Beach Residents.  
(Parks & Recreation)

**ACTION: Resolution 2014-28723 adopted.** Item separated by Commissioner Weithorn. Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff. **John Rebar to handle.**

Commissioner Weithorn mentioned that residents from North Bay Village have been using the Normandy Isle Park Pool, even though the pool is intended for Miami Beach residents. A system was implemented to allow North Bay Village residents to use the pool, at a specific rate, during non-peak hours, and join programs that would otherwise have been cancelled due to lack of participation.

Connie Leon-Kreps, Mayor of North Bay Village, thanked the Mayor and Commission for being good neighbors.

Mayor Levine thanked Mayor Leon-Kreps for being present at the meeting.

- C7O A Resolution Authorizing The City Manager And City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Federal Bureau Of Investigation, South Florida Joint Terrorism Task Force, For The Purpose Of The Prevention, Preemption, Deterrence And Investigation Of Terrorist Acts, And Apprehend Individuals Who May Commit Or Plan To Commit Such Acts.  
(Police)

**ACTION: Resolution 2014-28724 adopted. Chief Oates to handle.**



- C7P A Resolution Authorizing The City Manager And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The School Board Of Miami-Dade County, Florida, On Behalf Of The Miami-Dade Schools Police Department, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The School Board Of Miami-Dade County, Florida.  
(Police)

**ACTION: Resolution 2014-28725 adopted. Chief Oates to handle.**

- C7Q A Resolution Approving Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase Of Taser Brand Products And Accessories, From Taser International, Inc., The Manufacturer And Sole Distributor Of Said Products And Accessories.  
(Police/Procurement)

**ACTION: Resolution 2014-28726 adopted. Chief Oates and Alex Denis to handle.**

- C7R A Resolution Approving And Authorizing The City Manager, Or His Designee, To Utilize Florida Sheriffs Association (FSA) Contracts For The Purchase Of Vehicles And Equipment And Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City.  
(Public Works)

**ACTION: Resolution 2014-28727 adopted. Eric Carpenter to handle.**

- C7S A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2014-115-SR, For Professional Engineering Consulting Services Relating To The Design Of The New West Avenue Bridge Over The Collins Canal (The "RFQ"); Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Gannett Fleming, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With The Second Ranked Proposer, Parsons Brinckerhoff, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With The Third Ranked Proposer, T.Y. Lin International; And Should The Administration Not Be Successful In Negotiating An Agreement With The Third-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With The Fourth Ranked Proposer, Network Engineering Services, Inc., D/B/A Bolton, Perez And Associates; And Should The Administration Not Be Successful In Negotiating An Agreement With The Fourth-Ranked Proposer, Authorizing The Administration To Issue A New RFQ; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Public Works/Procurement)

**ACTION: Resolution 2014-28728 adopted. Eric Carpenter and Alex Denis to handle.**

- C7T A Resolution Accepting The Written Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving, In Substantial Form, The Attached Agreement Between The City And Living Arts Trust, Inc. D/B/A O Cinema For The Operation And Management Of A Portion Of The Byron Carlyle Theater, Subject To Final Negotiation Of Same Between The City Administration And O Cinema, And Subject To Legal Review And Form Approval Of The Final Negotiated Agreement By The Office Of The City Attorney; Said Agreement Having An Initial Term Of Five (5) Years, Commencing On October 1, 2014, And Ending On September 30, 2019, With An Option To Extend The Agreement For Up To Five (5) Additional Years (In Either One Year Or Multi-Year Increments, As Determined By The City), At The City's Sole Discretion.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28729 adopted. Max Sklar to handle.**

- C7U A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The First Amendment To ATM Lease Between The City And Suntrust Bank (Tenant), Dated June 30, 2009, For The Premises Located At 1700 Convention Center Drive, Miami Beach, Florida (City Hall); Said Amendment Acknowledging Tenant's Exercise Of Its Sole Renewal Option, For A Period Of Four (4) Years And Three Hundred Sixty Four (364) Days, Retroactively, Commencing August 1, 2014 And Ending July 30, 2019; And Further Retroactively Approving The Relocation Of The ATM Machine From City Hall To 1755 Meridian Avenue, First Floor, Miami Beach, Florida.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28730 adopted. Max Sklar to handle.**

- C7V A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Discontinue The Nightlife Industry Task Force Forums And Directing The City Administration To Hold A Series Of Public Workshops For Interested Individuals To Discuss And Provide Input Regarding The City's Nightlife Industry.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28731 adopted. Max Sklar to handle.**

- C7W A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee To Adopt The Updated Cultural Affairs Strategic Plan, Including An Increase In The Number Of Community Benefit Fund Rent Waivers And The Capping Of The Annual Fund Balance At Its Current Level Of \$2,640,184, But Providing For An Annual Increase For Inflation, And Directing The City Administration Not To Utilize The Cultural Arts Council Endowment Fund To Fund Sleepless Night.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28732 adopted. Max Sklar to handle.**

- C7X A Resolution Waiving The Square Footage Fees (\$0.25 Per Sq. Ft) For This Year's Orgullo 2014 Event, Which Is Approximately 23,500 Sq. Ft. For A Total Of \$5,875.00.  
(Requested by Commissioner Micky Steinberg)  
(Legislative Tracking: Office of the City Attorney)

**ACTION: Resolution 2014-28733 adopted. Max Sklar to handle.**

**9:27:48 a.m.**

- C7Y A Resolution Approving Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase Of SD-42 Ironsite Series Litter Receptacles, And All Department-Issued Accessories, From Victor Stanley Inc., The Sole Manufacturer Authorized Distributor In The State Of Florida For Victor Stanley Brand Products.  
(Public Works)

**ACTION: Resolution 2014-28734 adopted.** Item separated for discussion by Commissioner Tobin. Motion made by Vice-Mayor Grieco, seconded by Commissioner Malakoff. Voice-vote: 7-0. **Eric Carpenter to handle.**

Eric Carpenter, Public Works Department, spoke.

Commissioner Tobin stated that before the City enters into a contract for new garbage cans, he wants the City Commission to consider an alternative used by cities around the world, and that is to use a garbage bag with a frame instead of the current metal garbage cans used throughout the City. The metal receptacles get dirty, are difficult to clean, are prone to rust, and make it more of a process to collect garbage.

Eric Carpenter, Public Works Director, will look into the plastic bag alternative. The reason the metal garbage cans are being used at this time is because they are the ones that have been used in City parks, and people have mentioned that they find them aesthetically pleasing.

**9:13:03 a.m.**

**ADDENDUM MATERIAL 3:**

- C7Z Direction And Authorization For The Administration To Enter Into Negotiations With Smallcells Tower Company, LLC ("Smallcells"), For A License Agreement To Include A Term Of No Less Than Twenty Years Granting Smallcells The Exclusive Right To Use City Owned Properties For Maintaining Equipment To Establish Telecommunications Towers And Wireless Communications Facilities For Cellular Networks In The City; And Further Directing The Administration To Place The Negotiated Agreement On October 22, 2014 Commission Agenda For Consideration Of Approval. Smallcells Shall Be Responsible For Identifying The Locations Of The City Owned Properties It Desires To Use. Refer The Item To The October 1, 2014 Land Use And Development Committee Meeting.  
(Requested By Commissioner Jonah Wolfson)

**ACTION:** Item separated by Commissioner Tobin. Item referred to the LUDC. Motion made by Commissioner Wolfson, seconded by Commissioner Tobin; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to place on the committee agenda and Ariel Sosa to handle.**

**ACTION SUMMARY:**

1. Give the Administration maximum flexibility;
2. Administration to meet with SmallCells as soon as possible;
3. Refer the item to Land Use & Development Committee of October 1, 2014;
4. Item to come back to the October 22, 2014 Commission meeting.

**Ariel Sosa to handle items one through four.**

**REFERRAL:**

Land Use & Development Committee of October 1, 2014;

**City Clerk's Note: No Resolution with this item as per City Attorney Raul J. Aguila.**

Commissioner Tobin introduced the item.

City Manager Morales stated that this item requires much more research and discussion, and should not be decided upon at this meeting.

Commissioner Wolfson expressed his concerns that the City may soon have 35-foot communication poles planted throughout the City, and if no action is taken, the City will have little it can do to counter it. He proposes placing these antennas on rooftops, off the streets, and away from public view.

Commissioner Tobin stated that this issue of cell towers in the City has been discussed before, but more research needs to be done, and the Administration should decide whether we are in jeopardy of being stuck with cell towers all over the City by not entering into the right contract. We need to know how big the cell towers are, and what we can do to fight them.

City Attorney Raul J. Aguila said this is an issue that they are trying to resolve in-house. The City has cell tower permits that are currently being applied for. The concern is what the implications will be for the permits that are being processed, if the City goes ahead with the proposal of moving cell towers to rooftops.

Mayor Levine stated he understands the concerns, and indeed, this item is very intricate and can be discussed the entire day. Mayor Levine asked whether there is a way to halt temporarily the process.

Deputy City Attorney Eve Boutsis affirmed that the problem is with the applications that are in place, and if we want to do a moratorium, it will be after-the-fact. There are approximately 47 to 49 applications that are pending. After applications are complete, the City has a certain amount of time to approve the applications before State and Federal laws intervene.

Discussion held.

Commissioner Wolfson wants to know whether the City could be reassured that cell towers will not be placed throughout the City.

City Attorney Raul J. Aguila mentioned that these facilities are treated almost as a utility that can be placed on the right of way. It is important to regulate them so that they are not proliferating and popping up all over the City.

Commissioner Steinberg wants to ensure that any motion includes boosting the City's Wi-Fi capability.

Discussion held.

**Motion:**

Commissioner Wolfson moved to give the Administration maximum flexibility, and meet with SmallCells as soon as possible and refer the item to Land Use & Development Committee of October 1, 2014; when the item comes back to the Commission it can be discussed with the Manager's recommendation; item to come back to the October 22, 2014 Commission meeting. City Attorney Raul J. Aguila stated that this would come back to the Commission as a waiver of competitive bidding.

Motion seconded by Commissioner Tobin.

Voice vote: 7-0.

Handouts or Reference Materials:

1. Memorandum to Jimmy Morales, City Manager, from Commissioner Jonah Wolfson dated September 8, 2014, RE: AMENDED Commission Agenda Item – Consent Agenda (C7Z).

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports****3:47:45 p.m.**

R2A Request For Approval To Issue An Addendum To The Request For Proposals (RFP) 2014-294-ME For Design-Build Services For The Miami Beach Convention Center Renovation And Expansion Project, Which Includes The Criteria For Phase II Evaluation Process.  
(City Manager's Office/Procurement)

**ACTION: Request approved with the clarification to be brought back to the next meeting (September 17, 2014).** Item heard in conjunction with R9C and R9J. Motion made by Commissioner Weithorn under the assumption to clarify the point allocation on the price differential: seconded by Vice-Mayor Grieco; Voice vote 7-0. Item to comeback with the recommendations and clarifications to the September 17, 2014 Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **City Manager's Office and Alex Denis to handle.**

**RECOMMENDATION:**

Commissioner Weithorn moved the item with the assumption that the point allocation for the price differential be clarified between now and then. They are not happy with the five-point differential, but they have to have something like what Commissioner Malakoff suggested, for every X million difference, there is a point taken away. She suggested bringing the item back to the September 17, 2014 Presentation & Award Meeting.

Maria Hernandez, Special Assistant to the City Manager, gave an update on the project. Over the past months, they have met with the users of the Convention Center and with the GMCVB. Max Sklar presented the project to the hotel managers yesterday, and they have had meetings with Art in Public Places. They also met at the Tuesday Mornings Breakfast Club and have had other meetings with different departments, Emergency Management, Fire, Planning, Building, Parks, Public Works, and very important, they have met with several County Commissioners and have updated them on the status of the project, which was very well received. Staff continues to work with the County Administration to negotiate the RDA extension, which will likely happen towards the end of the year. As far as the design process, schematic design is finalized and they are undergoing design development and targeting that for completion by the end of November. The DRB will have its first presentation on October 7, 2014, and she wants to let the public know that this will be heard at 8:30 a.m. as a discussion item, and then final DRB is scheduled for November 4, 2014. As far as construction is concerned, all RFP's have been received with five respondents and they will prepare an LTC with the cost proposal details. Interviews will take place October 2, 2014, and this will go to the City Commission at the October 22, 2014 Commission Meeting for approval. The design/builder RFP deadline for questions is Friday, September 12, 2014 and proposals will be due for the qualifications portion on September 21, 2014. The items in front of you today are the discussion items regarding the traffic impact study for the possible future hotel. Ms. Hernandez distributed an LTC prepared some time ago, as Commissioner Weithorn had requested a schedule for a potential hotel referendum.

Jeff Sacks, Strategic Advisory Group and Advisor to the City on the MBCC project, explained that Commissioner Weithorn asked them to look at all the scoring from Phase 2, so this will be after the DCP is released in December and bids come back in February. He added that there was also a request by Commissioner Steinberg to bring the issue of local hiring. Another issue related to the RFQ is what happens if a firm ranks higher in Phase 1 and how does that translate to Phase 2. They



wanted to bring in the qualifications into Phase 2, and after many meetings and drafts, the recommendations on how to move forward are in the memorandum presented to the Commission.

Jimmy L. Morales, City Manager, asked Mr. Sacks to address the questions of perspective bid proponents.

Mr. Sacks stated that there are really two issues that one of the perspective bidders brought up. One relates to the overall scoring and one relates specifically to the pricing scoring. As they work through the design, they believe internally, that they can achieve lead gold certification. They believe that the way they are approaching the design, the decisions that have been made, they can achieve lead gold, but they are right on the line. They require in the RFP to get at least a silver certification, and they thought since they are so close on the line, if the design builder commits to give the City gold, they want to give them more points.

Discussion held.

Mr. Sacks added that there is a question on how to score the actual price. One of the versions is a rather simplistic approach, where the low bid gets 24 points; the next bid gets 25 points; the next 20 points and so on. They looked at the method that the potential bidder sent the letter on, which is the method used for surface contracts.

Commissioner Weithorn stated that she approves of the changes, but her biggest concern is that she did not want someone who barely has the qualifications come in give them a terrific quote, and maybe not have the capacity and get all the points. She is happy that if there is really a huge difference in quality that they do it, but is concerned about this five point difference on pricing. She thinks they can talk about guidelines, and percentages that are material and nonmaterial, for how they do that, but thinks those are the kind of things they can continue to work on.

Alex Heckler, representing Clarke Construction, asked for clarification on the scoring points. The reason they had a problem on the pricing method is that if someone bids \$350 million and another one \$350 million and one dollar, five points on every score sheet is a lot.

Discussion held.

Mr. Heckler explained that what the addendum is suggesting is that arbitrarily the low bidder gets the 25 or whatever points you allocate, and number 2 bidder gets five less and number 3 bidder gets five less and it seems to be arbitrary. As Commissioner Weithorn has stated, a million dollars and five points on each scorecard is a lot.

Raul J. Aguila, City Attorney, for the record, stated that Jeff Sacks mentioned the rationale for the point allocation, and he objects to the use of the word or term arbitrary. In addition, anybody that has an issue with regard to a protest, regarding the specs, including the evaluation methodology, can protest up to the bid opening date of Phase 2.

Jimmy L. Morales, City Manager, stated that this is not an ITB.

Commissioner Malakoff asked if there should there be something like for each million-dollar difference, they get a point or subtract a point, in other words, they are not talking about a \$10,000 or a dollar difference to lose five points, and they are talking about millions.



Mr. Sacks stated that he looked at this issue ten different ways; they can do that method too. The reason they did not know is how big the span would be. However, they do not know the relative value of the width, so if they assign \$5 million for each point, who knows how tight the proposers are going to be.

Discussion continued.

Commissioner Weithorn moved the item with the assumption that the point allocation for the price differential will be clarified between now and then. They are not happy with the five-point differential, but they have to have something like what Commissioner Malakoff suggested, for every X million difference, there is a point taken away. She suggested bringing the item back to the September 17, 2014 Presentation & Award Meeting.

Handouts or Reference Materials:

1. Letter to Jimmy Morales dated September 10, 2014, RE: Item R2A on September 10, 204 City Commission Agenda – Proposed Addendum to RFP 2014-294-ME for Design Builder Services for the Miami Beach Convention Center Renovation and Expansion.
2. Email from Lily Ferrando [lferrando@lsnpartners.com](mailto:lferrando@lsnpartners.com), dated September 10, 2014, RE: Clark Construction – Letter Regarding Proposed Addendum.

### **R5 - Ordinances**

**10:37:56 a.m.**

**R5A RM-3 Accessory Uses**

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article IV "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902, "Permitted Accessory Uses," Amending Criteria For Accessory Uses In Apartment Buildings; Providing For Repealer; Codification; Severability And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading Public Hearing on July 23, 2014 - R5H)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3890 adopted.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, explained that this Ordinance was approved at first reading on July 23, 2014, and when reviewing the Ordinance for second reading, Planning staff and the Office of the City Attorney noticed that the inclusion of the original second floor office space did not specify that it could be reintroduced as originally intended, so consequently they modified the text for second reading slightly to address this issue, and that text change is noticed in the Ordinance.

No further discussion.

Handouts or Reference Materials:

1. The Miami Herald Ad No. 918
2. The Miami Herald Ad No. 919

**10:39:41 a.m.**

R5B Building Heights

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 114, "General Provisions," Section 114-1, "Definitions," By Including Definitions For Minimum Finished Floor And City Of Miami Beach Freeboard, And By Amending The Definition Of Height Of Building; Providing For Repealer; Severability; Codification; And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on July 23, 2014 - R5I)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3891 adopted.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, stated that there are no changes since first reading when it was approved on July 23, 2014.

Commissioner Malakoff thanked the City Commission and stated that this is very important, and one of the first steps in making our beautiful island of Miami Beach flood and sea-level resistant.

Handouts or Reference Materials:

1. The Miami Herald Ad No. 918

**10:41:08 a.m.**

R5C Transfer Of Variance And Flood Plain Waiver Authority To The Design Review Board And Historic Preservation Board

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals," Section 118-351, "Determination Of Jurisdiction," Section 118-352, "Procedure;" Article II, "Boards," Division 3, "Design Review Board," Section 118-71, "Powers And Duties;" Division 4, "Historic Preservation Board," Section 102, "Powers And Duties;" Division 5, "Board Of Adjustment," Section 118-136, "Powers And Duties;" To Amend The Jurisdiction Of The Boards Of Adjustment, Design Review, And Historic Preservation By Authorizing The Design Review And Historic Preservation Boards To Grant Variances Presented In Applications Within Their Respective Jurisdictions, Amending The Authority Of The Board Of Adjustment To Reflect That Changed Authorization, And To Transfer The Authority Of The Board Of Adjustment Acting As The Flood Plain Management Board To The Design Review And Historic Preservation Boards, To Authorize Such Boards To Grant Variances From The Flood Plain Ordinance For Applications Within Their Respective Jurisdictions; Providing For Repealer; Codification; Severability And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on June 11, 2014 - R5M)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance adopted as amended (See Procedural History).** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Thomas Mooney to handle.**

**Procedural History:**

1. On September 17, 2014, the Commission approved the reconsideration of the Ordinance, in order to provide a new effective date of December 17, 2014. A new Second Reading/Public Hearing was scheduled for September 30, 2014.
2. On September 30, 2014, the Commission opened and continued the item to December 17, 2014.

**Amendment:**

Board of Adjustment Section 118.136, Powers and Duties

“except variances requested as part of applications within the jurisdiction of the Design Review Board or the Historic Preservation Board” amend language to read, “except variances requested on properties subject to the jurisdiction of the Design Review Board or Historic Preservation Board.”

Mr. Frank Del Vecchio, resident, explained that there has been a great deal of concern amongst the handful of people who follow the land development process on this particular item. He has had exchanges with many who are skeptical, and he believes that these individuals have overcome their skepticism, and the positive initiative will consolidate, simplify and actually make public participation meaningful. He wanted the City Commission and the public to know that these items have been well considered and are not being rammed through by some developers or special interests and are beneficial to the community.

Thomas Mooney, Planning Department Director, explained that this was approved on first reading on June 11, 2014, and second reading was set for today after the August 26, 2014 referendum, where there was an affirmative vote in support from the public.

Gary Held, First Assistant City Attorney, stated that recent comments at board meetings suggested that some attorneys were interpreting the way the Ordinance was drafted to allow them the discretion to choose which board to seek a variance from, so they want to tighten up the language to make sure that that is not the case. With respect to the Board of Adjustment Section 118-136, Powers and Duties, page 492 of the Commission Agenda, where it says as part of the application, defining the jurisdiction of the Board of Adjustment, and acknowledging that the other boards had jurisdiction, the language was “except variances requested as part of applications within the jurisdiction of the Design Review Board or the Historic Preservation Board.” In order to tighten that section up, they suggest language that reads, “except variances requested on properties subject to the jurisdiction of the Design Review Board or Historic Preservation Board.”

Commissioner Malakoff added that this Ordinance is not meant to encourage forum shopping, but is meant to be, for example, when a hotel that is in a Historic District comes for redevelopment it goes to the Historic Preservation Board (HPB), and if it needs a variance, the HPB now has the power to grant that variance. She does not think that there is any confusion. She thanked the voters of Miami Beach for passing this. The vote was 60% to 40% in favor, and she thinks that the vote would have been even more if there had been more explanation.

**Handouts or Reference Materials:**

1. The Miami Herald Ad No. 918

**10:46:53 a.m.****R5D Tree Preservation And Protection Ordinance**

An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article II, "Care And Maintenance Of Trees And Plants," By Amending Division 2, "Trees"; To Amend The Definitions, Purpose And Intent; Scope, Applicability And Exemptions; Permitting Application Requirements, Notice And Procedures For Obtaining Permits; Imposing Criteria And Conditions For Tree Removal And Relocation; Tree Replacement; Tree Preservation And Protection Requirements; Defining And Protecting Heritage And Specimen Trees; Establishing A Miami Beach Tree Preservation Trust Fund; ~~Regulating Tree Services And Arborists~~; Defining Trees Constituting A Public Nuisance; Providing For Appeals; Enforcement And Civil Remedies; Prohibited Species; Duties And Authority Of The Urban Forester; And Providing For Repealer; Codification; Severability; And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Sponsored by the Neighborhood/Community Affairs Committee)

(Legislative Tracking: Public Works)

(First Reading on July 23, 2024 - R5K)

**ACTION:** Title of the Ordinance read into the record. Item deferred to the September 17, 2014 Commission Meeting by acclamation. Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**

Mark Williams, Parks Department Urban Forester, explained there were some minor changes between first and second reading, mostly to clarify some points and change how the canopy replacement was calculated, but otherwise, the Ordinance remains mostly intact.

Motion made by Commissioner Steinberg to approve the Ordinance; seconded by Commissioner Weithorn.

Commissioner Malakoff stated that this is great because this Ordinance puts the City of Miami Beach in charge of its own trees. She asked when there are many demolition permits coming up and there are some cases where trees are being carted off from properties, where they probably should not be, she wants to make sure that through this Ordinance the City will be able to survey these properties before trees are removed.

Mark Williams, Parks Department Urban Forester, explained that Commissioner Malakoff's concern is addressed as a primary component of the Ordinance and of the application process. A tree survey submittal will be required before trees can be impacted and before the project goes through, especially for sites where demolition is proposed.

Commissioner Malakoff explained that the Ordinance includes a trust fund for trees, and she wants to move forward with an Adopt a Tree Program where members of the public can actually adopt a tree, pay for a tree in honor of their anniversary or in memory of a loved one who has passed away, so that the City can continue to gain funds to keep planting large canopy trees within the parks and public right of way. She wanted to say it publicly so the public knows that the program is going the start, and she hopes it is going to grow every year so they have more canopy trees in the City and that the citizens will have a chance to take part.

Commissioner Wolfson asked if this restricts cutting trees unless there is a permit.

Mark Williams, Parks Department Urban Forester, stated that the Ordinance puts some regulations in place, by mimicking what is currently in the Miami-Dade County Code, which the City is currently under its purview. The intent of the Ordinance is to get an exemption from the Miami-Dade County Code, so the City Code has to meet the County's minimum requirement level. The majority of the language mimics the County Code and it gives the City added protection.

Discussion held.

In answering Commissioner Wolfson's question, Mr. Williams stated that the Ordinance incorporates Miami-Dade County's exemption list of trees identified as being nuisance and they have given exemptions.

Discussion continued regarding types of trees that require permits for removal.

Commissioner Wolfson asked who sponsored this Ordinance.

Mr. Williams explained that the issue had been discussed at the Neighborhood/Community Affairs Committee.

Commissioner Steinberg stated that Commissioners Tobin and Malakoff were in support at the Committee level.

Commissioner Wolfson stated that he is concerned with the government interfering with people cutting trees down and then maybe replanting something somewhere else. He has no problem in replanting trees when removing them.

Jimmy Morales, City Manager, explained that the critical advantage of this is that right now the County has control of the City decision making on this issue. This gives the City Commission the opportunity to take control, and in the future, this Commission can then make changes to the Ordinance to reflect those standards.

Commissioner Wolfson asked Mr. Williams to point out the language in the proposed Ordinance that is more stringent than that found in the County Code, and if there are instances when a tree cannot be removed.

Mr. Williams explained that there are instances where a tree cannot be removed, as when a tree is designated historic. Mr. Williams added that there is a process to designate a tree as a historic tree and the Commission would have final approval to remove or not. He explained the process to designate a historic tree.

Mayor Levine suggested deferring the item to the September 17, 2014.

Commissioner Weithorn withdrew her second.

Item deferred to the September 17, 2014 Commission Meeting by acclamation.

#### Handouts or Reference Materials:

1. The Miami Herald Ad No. 918

**10:57:16 a.m.**

- R5E An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Department Of Emergency Management, Correcting Re-Lettering And Scrivener's Errors; And Providing For Repealer Severability; Codification And An Effective Date. **10:35 a.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)  
(First Reading on July 23, 2014 - R5L)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3893 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Commissioner Weithorn explained that this is a technical change, as the City never had this Department, and she sponsored this item as Chair of the Finance and Citywide Projects Committee.

No further discussion held.

Handouts or Reference Materials:

1. The Miami Herald Ad No. 918

**11:30:43 a.m.**

- R5F An Ordinance Amending Chapter 110 Of The Miami Beach City Code, Entitled "Utilities;" Amending Article III Thereof, Entitled "Stormwater Utility;" Amending Section 110-109 Thereof Entitled "Stormwater Utility Fees," By Amending Appendix A Thereto Entitled "Fee Schedule," To Increase The Stormwater Utility Service Charge Imposed By The City As Of October 1, 2014; Providing For Codification, Repealer, Severability, And An Effective Date. **10:40 a.m. Second Reading Public Hearing**  
(Sponsored by the Finance & Citywide Projects Committee)  
(Legislative Tracking: Finance)  
(First Reading on July 23, 2014 - R5M)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3894 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Wolfson; Ballot vote: 7-0. **Patricia Walker to handle.**

Commissioner Weithorn asked the City Attorney to put on the record, for the public, information from the well thought out memorandum received on rates, as there seems to be some misinformation as to how they came up with these rates.

Raul J. Aguila, City Attorney, stated that following first reading of the Ordinance at the last City Commission meeting, the City Manager and he received e-mails from several residents, and in particular from Aaron Sugarman, who presented a very thoughtful opinion, which was based on two things: one of them was that the City's current storm water rate methodology was illegal. The other one was that it was unfairly apportioned. City Attorney Aguila wanted to speak briefly to the legal issues because he has reviewed the case law that Aaron Sugarman presented and he has done his own independent analysis. City Attorney Aguila explained that this is a user fee. Under a user fee, there is very broad discretion in determining fee methodologies, and absent of finding



that the classification is arbitrary, unreasonable or discriminatory, this is a legislative function and the courts will uphold the Commission's decision, even if on its face reasonable men and women can disagree on it. In short, City Attorney Aguila met with the City Manager about this prior to today's meeting, and it is his opinion that the rate calculation based upon the 1996 Ordinance that was initially adopted, and the record in support of that Ordinance, including the report that was commissioned by CH2M Hill, to look into that is legal. What the Commission decides to do going forward with regard to that methodology is a matter of policy for the Commission to determine, and it is not a legal issue. City Attorney Aguila believes that the current methodology is legal, it is reasonable, and there is basis for support on the record. He would just readapt the record from 1996 as well as all the CH2M Hill, reports that went into that calculation and the rational methodology.

Mayor Levine stated that last year when he ran for Mayor, one of the most important issues that the City was experiencing and continues to experience, as well as other low-lying communities around the Country and around the world, is sea level rise. Miami Beach is at the forefront of this, and every day, at certain times of the year, it can be a sunny day and the water is coming up on the streets. It is their responsibility as Commissioners, the Mayor, City staff and our community to address this issue. They cannot ignore it. It is an issue of this generation and something that they have to pursue aggressively for our City. They have put together a Blue Ribbon Committee that studied and worked with City staff, with great engineers and the City Manager, and the Blue Ribbon Committee has devised a plan to put in pumps all across the City. This was not taken lightly. It was done with a great deal of thought and much planning. Besides the pumps, they are putting in these flex valve caps, which stop the water from reversing course from the bay and coming up into the street. To do this, this is going to be a \$300 to \$400 million program and will take many years to do, but they have a choice to make; either do it, or sit back and allow the roads and the City to continue to experience sea level rise, and as the Mayor, he will never allow that to happen. That is why they are aggressively moving forward with this Flooding Mitigation Program. The first tranch of this, which is \$100 million, needs to be paid for and they have to bond it out and go to Wall Street. They met with the staff and with Chief Financial Officer Patricia Walker, and they felt that the most equitable way is to pass this along is in the storm water fee area. There are some that say that the homeowners should pay more, there are some that say the condominiums should pay less, and they have even heard many people saying that the areas that are mostly flooded should be paying more. There is a strong movement with certain people that believe that Alton Road and West Avenue, who experience so much of the flooding, that those condominium owners should pay much more than other people in the City. He does not think that is the right thing to do. He thinks those owners should pay not more, they should pay the same as everybody else. This movement is happening across the City, and when you experience a problem, everybody wants everybody else to pay for it. He does not think that that is the basis of the community and he thinks they are about sharing it equally. The Mayor added that Vice-Mayor Grieco brought up some very good points. Vice-Mayor Grieco said that we need to look in the future how we can come up with new ideas to even more affordably spend and pay for this flooding program, and the Mayor agrees with Vice-Mayor Grieco. Those are things that they need to look at. The Mayor is in contact with the State government, with the Federal government, they are not letting a stone go unturned and if there is money out there, they are going the find it. However, the Commission has a decision, and the decision is, "do we wait", "do we sit still" or "move forward and attack this problem"? For him, and he thinks he is speaks for the majority of the Commission, they want to move forward, and as they are doing right now, attack the flooding problem. No one likes to raise rates, but personally, he does not think they were elected to do the easy thing, but they were elected to do the right thing for the City of Miami Beach.



Commissioner Weithorn explained that they all have received e-mails and everyone talks about runoff, but our storm water program has nothing do with runoff; if it did, we would not be spending \$300 million. It has to do with sea level rise for an island we all cohabit collectively. Nobody likes to raise rates but for the preservation of the fact that they would like their children to live here one day, they have to make sure that they have the infrastructure in place, and that requires the Commission to raise rates at a level, which hurts every single one of them. For them not to do this now in this way does not make any sense and the Commission can look at other methodology, but quite frankly Miami Beach is leading, and when you lead, there is not a great deal of precedence to work with. The questions raised by Vice-Mayor Grieco ask are good, but there are no real answers on what to do for sea level rise. It is not about runoff. It is about sea level rise. Unfortunately, they all have to be adults and make painful decisions. She echoes what the Mayor says in support of rate increase. They will look at some other vehicle in the future, but for now, rates will go up at least this much. This is complicated and she does not know want anyone to think that they have not taken great thought, which is why she asked the City Attorney to start with the legal research he did, and she wants to put on the record today those issues so the public knows that the Commission has thought them through, first at the Finance Committee and then here again.

Vice-Mayor Grieco stated that anything that is a 20-year-old process needs to be revisited in his mind. He is glad that they are talking about it. He placed on this agenda, in addition to this item, a matter that is going to be sent to the Finance Committee and to the Blue Ribbon Committee to address next year's traunch to address the increases for 2015 and 2016. He is pleased with his colleagues as to how welcoming they have been with the debate and with the conversation they have been having for two months. He was the sole "no" vote on first reading, but he is comfortable that they are having this conversation and will have a "yes" vote on second reading.

Commissioner Malakoff agrees with everything the Mayor said, and to her, she mentioned before when they were deciding whom the legislative lobbyist should be, that it is very important that they know how to get along in Tallahassee, because they need help from the State of Florida. Right now, the citizens and residents of Miami Beach are paying completely for this, but they hope in the future, that in the next traunch, they get assistance from the Federal and/or State governments. She considers this particular fee similar to the School Board tax. The reason we pay school taxes is because is for the good of the community and the good of all the children who live in Miami Beach and Miami-Dade County. They have to look to the future. She feels the same about sea level rise. They have to do what is needed to protect the City they love, and protect the investments so many businesses have made.

Commissioner Wolfson mentioned that he has never voted for a storm water increase or a water fee increase, that he can recall, but this comes along at a time when we have a directed plan to build pump stations and he thinks that it is the right time and it is the right thing. He is in support of it.

Mayor Levine added that his personal pledge is to use his relationships and connections in the State and Washington, DC to seek alternative funding going forward. He will travel monthly if he has to, but they will find additional funding outside of Miami Beach. He pledges to make those aggressive efforts himself to make it happen, and hopefully next year they will have additional funding.

The following individuals spoke:

Frank Del Vecchio  
Adam Shedroff  
Scott Needleman  
Valerie Navarrette

Raul J. Aguila, City Attorney, clarified that the City is not in violation of State Statute, because State Statute states that these charges have to be based on the beneficiary's relative contribution, and to the needs for a strong water management system. It does not talk about strong water runoff. This needs to be read in accordance with the fact that cities are offered legislative discretion in determining their fees. He asked that Mr. Eric Carpenter, Public Works Director, talk about the fees. The calculation is not illegal. There was plenty of consideration taken into calculating the fee. The issue of fairness, instead of treating all residential properties the same or should we consider a tear system or another system, these are policy decision for the Commission to make, but there is a difference between perceived equity and blatant illegality.

Discussion held.

Eric Carpenter, Public Works Director, explained that the storm water management system that the City has is meant to deal with flooding in the public right of way. What they are enacting now is to handle the flooding within the public right of way. The funding that goes into making these improvements has to be parsed out somehow through a user fee as opposed to a tax. The Commission that made this decision 20 years ago, we cannot be in their minds to know exactly what they were thinking. It is a policy decision, but as far as fairness goes, there is certainly a strong argument that could be made that every single individual that lives in the City needs to use the streets and the same amount of usage of the streets to go to the grocery stores, to go to work every day, happens whether you live in a single family condominium or whether you live in a single family home.

Raul J. Aguila, City Attorney, stated that it is not uncommon in other municipalities and counties in Florida to use the same methodology that we use for calculation, in other words, treating all residential properties as equal. There are some municipalities that do not do it that way, but the methodology is always evolving, but is not an uncommon methodology.

Jimmy Morales, City Manager, added that storm water utilities is like a balloon, if it gets squeezed on one side, the air is going to go somewhere else. As you look at the equity issue, talking about condominium owners and single property owners, renters and commercial properties, one of the decisions made 20 years ago was that much of the impact is the tourists that come here, the business and the commercial activity. 14.2 million people visited Miami Beach last year. They also want dry streets. So one of decisions made in that system, was to try to put less of a burden on the residents and more on the business interests, more so than in many other communities. He recommended to be careful as you squeeze on the balloon where it pops out and who ends up paying more or less. This is a long process to look at these studies and figure out who under each proposal, who pays what and how much, but keep in mind that everyone is going to have their perspective on what is equitable, and the Commission may end up back in the same place.

Commissioner Steinberg requested that the Administration do their due diligence to communicate to the condominium owners about the increase.

City Manager Morales announced that they will communicate clearly to the condominiums that the increase is essentially \$9 a month and should not be used by condominium associations or buildings to justify a \$20 a month increase and blame it on the City. They will be communicating with Condominium residents as to the fee increases so they understand the charges being passed on.

Patricia Walker, Chief Financial Officer, added that the Administration is actively pursuing with the State the use of revolving funds that give interest rates significantly lower than what could be obtained in the market.

Handouts or Reference Materials:

1. The Miami Herald Ad No. 918
2. Ordinance 96-3051, incorporated by City Attorney Aguila into the record.

**10:59:04 a.m.**

R5G An Ordinance Amending Chapter 2 Of The City Code, Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 3, Entitled "Contract Procedures," By Repealing Section 2-372, Entitled "Procedure To Provide Preference To Miami Beach-Based Vendors In Contracts For Goods And Contractual Services"; Providing For Repealer, Severability, Codification, And An Effective Date. **10:50 a.m. Second Reading Public Hearing**  
(Sponsored by the Finance & Citywide Projects Committee)  
(Legislative Tracking: Procurement)  
(First Reading on July 23, 2014 - R5N)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3895 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-1; Opposed: Commissioner Steinberg. **Alex Denis to handle.**

Commissioner Weithorn explained that this is, again, something that was tried and did not work, so they are repealing the Ordinance.

No further discussion.

Handouts or Reference Materials:

1. The Miami Herald Ad No. 918

**1:16:11 p.m.****1:23:47 p.m.****R5H Definition Of Motion Picture Theater**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 114, "General Provisions," Section 114-1, "Definitions," By Adding A Definition Of Motion Picture Theatre; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading**

(Sponsored By City Commission)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for October 22, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Raul J. Aguila, City Attorney, explained that the definition of motion picture theatre arose as an issue after the Commission adopted the Ordinance that permitted the sale of liquor at the Regal Cinemas. At that time, there was no definition for a motion picture theatre in the City Code. The following definition, on page 552 of the agenda packet is being proffered: *A motion picture theatre means a building, or part of a building used solely for the purpose of showing movies, motion pictures and projection of events and performances conducted elsewhere, including permitted accessory uses such as eating and drinking concessions, and provided that such theatre or any part thereof, shall not be an adult entertainment establishment, dance hall nor entertainment establishment.* Basically, a motion picture theatre has to be a movie theatre, added City Attorney Aguila.

Commissioner Weithorn commented that in a City owned facility, the City may utilize its facility for government use, and asked if that would be inconsistent with this definition.

City Attorney Aguila stated that this can be addressed in the agreements that they have upcoming with the cinema, but he does not think there will be a problem amending the contract with Miami Beach Cinematheque to allow that when they are not using the facility as a theater during the day, the City can have use of those facilities for public meetings and community meetings.

**4:21:07 p.m.****R5I Collins Waterfront Historic District Parking Garage Heights Ordinance**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," Section 130-68, "Commercial And Non-Commercial Parking Garages," By Amending The Maximum Height And Requirements For Allowable Accessory Commercial And Residential Uses Of Main Use Parking Garages Located Within The Collins Waterfront Local Historic District; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored By Commissioner Jonah Wolfson)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-1; Opposed: Commissioner Tobin. Second reading and Public Hearing scheduled for October 22, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation; seconded by Commissioner Malakoff; Voice vote 7-0.

Thomas Mooney, Planning Director, explained that this item was referred to the Land Use & Development Committee (LUDC) in April, the LUDC committee endorsed the Ordinance, referred it to the Planning Board, and they transmitted the Ordinance at the July meeting. The Ordinance creates a separate height measurement for main use parks and garages located within the Collins Waterfront Historic District. Under the current Code, main use parking garages are limited to five stories/50 feet in height, and in this particular instance, because of the lack of parking within the Collins Waterfront Historic District, which is located between 44th Street and 23rd Street, bounded by Indian Creek Waterway and the Atlantic Ocean, this proposal would allow main use parking garages to be up to eight stories/75 feet, which is the height limit for main use development projects that are not parking garages. They recommend approval as adopted by the Planning Board.

Commissioner Tobin asked what pieces of properties are going to be redeveloped that they want to do eighty feet/eight stories instead of five stories.

Mr. Mooney explained that the Ordinance would affect two parcels. This was proposed by the owners of the Fontainebleau lot at the south side of 44th Street where they have a surface lot that has a large landscape buffer around it and is not addressing their parking needs. They desire to build a parking garage to better service their needs. The Fontainebleau also did a study and concluded that they can get substantially more parking with eight levels as opposed to being limited to five levels. The only other lot that could be used is the City lot on 27th Street, if the City ever decided that they wanted to either develop it as a main use parking garage or enter into some type of joint venture.

Commissioner Tobin asked where is the land bridge going to go and what the height is.

Mickey Marrero stated that the bridge is above the first floor of the garage, it will be vehicular only, and to be used only by the valet operators of the hotel. He explained that the bridge would be on 44th Street and would connect to Collins Avenue to the western part where it curbs. The idea is to take the cars off the street. There is an issue with traffic there and the valet operation, additionally there are issues with residential parking and the neighbors, and the Fontainebleau wants to address their needs as a hotel, but also it will be a benefit to the neighborhood.

Discussion continued regarding waiving parking impact fees.

Commissioner Tobin asked when they will negotiate the price.

Mr. Marrero explained the process of approval by HPB and FDOT, and stated that the Ordinance allows them to take the next step forward.

Discussion continued.

Commissioner Tobin expressed his concerns that they are passing an Ordinance for one specific developer; years ago the same developer claimed an excess of parking, and wanted a credit on parking impact fees, and he has not been on the inside, so he does not know about the land bridge. He does not know if he likes the idea.

**1:19:23 p.m.**

R5J An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 3, Entitled "Contract Procedures," By Amending Section 2-366, Entitled "Generally," Section 2-367, Entitled "Rejection Of Bids; Negotiation; Waiver Of Competitive Bidding," Section 2-369, Entitled "Award Of Contract," And Section 2-370, Entitled "Award Of Contract To Other Than Low Bidder," By Increasing The Threshold For Formal Bids And The City Manager's Authority To Award A Contract From \$25,000 To \$50,000, As Well As Expanding The Use Of Cooperative Purchases; By Further Amending Section 2-371, Entitled "Authority To Resolve Protested Bids And Awards," By Amending The Procedure For Protested Bids And Proposed Awards; By Amending Division 4, Entitled "Purchases," By Amending Section 2-395, Entitled "Open Market Procedures," By Increasing The Threshold For Open Market Purchases From \$25,000 To \$50,000 And Amending Terminology Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Finance & Citywide Projects Committee)

(Legislative Tracking: Procurement)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading as amended to have the \$50,000 indexed every year.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 17, 2014 at 5:30 p.m. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Alex Denis to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Weithorn to accept the Finance & Citywide Projects Committee's recommendation; seconded by Commissioner Malakoff; Voice vote 7-0.

**Amendment:**

\$50,000 indexed every year.

Jimmy L. Morales, City Manager, stated that the Office of the City Attorney and the Procurement Department are looking at issues about how to streamline and improve Procurement. They brought a series of recommendations to the Finance and Citywide Projects Committee.

Commissioner Weithorn stated that between first and second reading, add language to have \$50,000 indexed every year.

Handouts or Reference Materials:

1. The Miami Herald Ad No. 932



**5:58:55 p.m.**

R5K An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 6, Entitled "Living Wage Requirements For Service Contracts And City Employees," By Amending Section 2-408, Entitled "Living Wage," By Increasing The Living Wage Rate By 3% For Fiscal Year 2014-2015 And Deleting Phase In Language That Is Outdated Due To The Passage Of Time; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Procurement)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 30, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Alex Denis to handle.**

Pursuant to Section 2-13 of the Code, motion was made by Commissioner Malakoff to accept the Finance & Citywide Projects Committee's recommendation; seconded by Commissioner Weithorn; Voice vote 7-0.

Commissioner Tobin asked for an explanation from the Administration regarding the Living Wage.

Raul J. Aguila, City Attorney, explained that the living wage phase-in was already done, and he believes last fiscal year was the last fiscal year to be phased-in. The Ordinance requires that annually the living wage be adjusted, or not, and they have decided to bring the item to the City Commission every year during budget as a resolution.

Commissioner Weithorn explained that the Commission gave the employees the living wage, and she thought the City Commission should do exactly for the City contractors what they did for employees. This is an issue of fairness for her and she moved the item.

**6:01:32 p.m.**

R5L An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure;" Amending Division 2, Entitled "Rates, Fees And Charges," By Amending Section 110-166, Entitled "Schedule Of Water Rates And Tapping Charges," And Section 110-168, Entitled "Sanitary Sewer Service Charge," To Adjust Water And Sanitary Sewer Rates By The Same Percentage Enacted By Miami-Dade Water And Sewer Department (WASD); And Also Amending Appendix A To Chapter 110, Entitled "Fee Schedule" To Increase The Water Rates And Sanitary Sewer Service Charges Imposed By The City Pursuant To Sections 110-166 And 110-168; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Public Works)

**ACTION:** Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Vice-Mayor Grieco to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for September 30, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Eric Carpenter to handle.**



Eric Carpenter, Public Works Director, explained that they went through the budget process this year and found they were running a significant deficit on sewer utility operation, in addition to some rate increases that were provided or levied upon by Miami-Dade County for water treatment and purchase of potable water. This proposed Ordinance is to pass through the water rate increase from Miami-Dade County, and also to pass through the waste water treatment rate increase as well as make up the deficit that was partially the result of the City subsidizing the Miami-Dade County rate increase approximately three years ago, that is being eating away at the City's rate stabilization fund over the last three years. This is an Ordinance to be able to balance that budget.

Vice-Mayor Grieco moved the item; seconded by Commissioner Weithorn.

Commissioner Steinberg requested the status of pending information about what the average use is, as discussed at Finance and Citywide Projects Committee.

Eric Carpenter, Public Works Director, stated that they ran numbers through the Finance Department, the Utility Billing staff, and they received numbers higher than what they anticipated, but as they reviewed the data and began to look at the numbers, they found that they were having multi-family units in the data being reviewed, which skews the consumption numbers higher. Since they were not able to clean up that data, they have gone back to the rate studies done back in 2011, where they had looked at both multi-family and single-family customer usage, where they reviewed the gallons per month, maximum usage for a single-family home with a  $\frac{3}{4}$  inch meter, which is used for smaller homes, but the maximum usage was 8,000 gallons. For multi-family buildings with a  $\frac{3}{4}$  inch meter, their maximum usage was 5,000 gallons per unit. The numbers were lower than what they were projecting as an average. The numbers from Finance were higher than what they anticipated as an average, and they came back between 15 and 17,000 as opposed to 11,000. He stated that he will go back and review the information further.

Commissioner Steinberg requested that they go back and review the usage numbers for second reading. **Eric Carpenter to handle.**

Commissioner Weithorn stated that the item was discussed at Finance & Citywide Projects Committee, and they do not want to raise the fees, but the problem is that if they do not pass it, there is no place for this money to come from. They have used up all the available resources, and they are at deficit now from having done that. When the County raises their rates, to not pass it through is fiscally irresponsible. She urged the City Commission to support the item as the deficit affects the City's bond ratings.

Discussion held.

Kathie G. Brooks, Assistant City Manager, clarified that there have been years where the County has not raised the fees; but most years, increases have been passed through from the County to the City.

Discussion continued.

Commissioner Steinberg stated that at Finance, they had requested the exact cost on City residents per month, per usage, and they did not receive that information. She will support the Ordinance on first reading, but requested this information for second reading. **Eric Carpenter to handle.**

Commissioner Tobin explained that this is an enterprise fund, the City is getting the water from the County, and they are passing on the cost of water. He asked how they pay the employees in the Public Works Department.

Eric Carpenter, Public Works Director, stated that that is the reason they have a deficit this year. Historically they pass through only a portion of the County's rate increase, or not even pass it through at all. The Public Works Department is absorbing the additional cost.

Discussion continued regarding the sale of water.

Vice-Mayor Grieco stated that the City is not getting fees from Surfside and Bal Harbor, and asked for an explanation.

Eric Carpenter, Public Works Department, explained that they hired a firm to do a rate study to get to the bottom of where the deficit was coming from, and one of the things they identified was that Surfside and the other satellites cities, Bal Harbor and Bay Harbor Islands, are providing 13% of the waste water that is being generated; however, they are only covering 5% of the cost. They would love to levy that against them; however, the City has not had an active contract with these satellites cities for 20 year or so.

Commissioner Steinberg asked for a legal recourse to get these monies and she was told no.

Mr. Carpenter stated that they are in negotiations with them with the assistance of City Attorney Raul J. Aguila to obtain agreements together so that they can bring all the satellite cities to the table and have agreements in place before the end of the calendar year.

Discussion continued.

### **R7 - Resolutions**

**5:12:54 p.m.**

R7A1 Adopt Tentative Ad Valorem Millage for General Operating Purposes

A Resolution Adopting: 1) The Tentative Ad Valorem Millage Of 5.7942 Mills For General Operating Purposes, Which Is Thirteen And Four-Tenths Percent (13.4%) More Than The "Rolled-Back" Rate Of 5.1076 Mills; And 2) The Debt Service Millage Rate Of 0.2295 Mills; Further Setting The Second Public Hearing To Consider The Millage Rate For Fiscal Year (FY) 2014/15, On Tuesday, **September 30, 2014 At 5:01 p.m. 5:01 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28735 adopted.** Motion made by Commissioner Weithorn, seconded by Vice-Mayor Grieco; Roll Call vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2014 Commission Agenda at 5:01 p.m. if received. **John Woodruff to handle.**

Commissioners Weithorn stated they need to thank John Woodruff, Budget Director, for all the work he and his staff did. The Commission kept asking to change the budget. He never said "no" and always had it done - not only on time for the meetings but also had time to brief the Commission prior to the meetings. She added that this is real good news because this is a tax

decrease with an increase in service.

Vice-Mayor Grieco stated that this is the product of the Finance and Citywide Projects Committee, and specifically Commissioner Weithorn's hard work. He added that it is not just a decrease but also a decrease even with an increase in property value.

**5:53:14 p.m.**

**SUPPLEMENTAL MATERIAL 2: Resolution**

R7A2 Adopt Tentative Budgets For General, G.O., RDA, Enterprise, Internal Service, And Special Revenue Funds

A Resolution Adopting Tentative Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, Internal Service Funds, and Special Revenue Funds For Fiscal Year 2014/15 Subject To A Second Public Hearing Scheduled On Tuesday, September 30, 2014 At 5:01 p.m.

**5:01 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28736 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Roll Call vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received September 30, 2014 at 5:01 p.m. **John Woodruff to handle.**

**5:54:35 p.m.**

R7B1 Adopt Tentative Ad Valorem Millage for Normandy Shores Local Government

A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Tentative Ad Valorem Millage Rate Of 1.1305 Mills For Fiscal Year (FY) 2014/15 For The Normandy Shores Local Government District, Which Is One Percent (1%) Less Than The "Rolled-Back" Rate Of 1.1391 Mills Subject To A Second Public Hearing Scheduled On Tuesday, September 30, 2014 At 5:02 p.m. **5:02 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28737 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff. Roll Call vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2014 Commission Agenda at 5:02 p.m., if received. **John Woodruff to handle.**

**5:55:38 p.m.**

R7B2 Adopt Tentative Operating Budget For Normandy Shores Local Government

A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Tentative Operating Budget For Fiscal Year (FY) 2014/15 Subject To A Second Public Hearing Scheduled On Tuesday, September 30, 2014 At 5:02 p.m. **5:02 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28738 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Roll Call Vote: 7-0; Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2014 Commission Agenda at 5:02 p.m., if received. **John Woodruff to handle.**

**5:56:37 p.m.**

R7C Adopt Tentative FY 2014/15-2018/19 Capital Improvement Plan & Capital Budget  
A Resolution Adopting The Tentative Capital Improvement Plan For Fiscal Years (FY) 2014/15-2018/19 And Adopting The City Of Miami Beach Tentative Capital Budget For (FY) 2014/15 Subject To A Second Public Hearing Scheduled On Tuesday, September 30, 2014 At 5:03 p.m.

**5:03 p.m. First Reading Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28739 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Grieco; Roll Call vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the September 30, 2014 Commission Agenda at 5:03 p.m. if received. **John Woodruff to handle.**

**5:57:30 p.m.**

R7D Independent Contractor Agreements

1. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For Professional And Other Services, As Required, And As The City Manager Deems In The Best Interest Of The City, Subject To And Contingent Upon The Following Parameters: 1) The City Manager Shall Only Enter Into Contracts To Provide Services Or Work Related To Vacant Budgeted Positions, As Identified In The City's Approved Fiscal Year (FY) 2014/2015 Budget; 2) The Amount Of The Fee Or Other Compensation Under Such Contract(s) Shall Not Exceed The Authorized Amount For The Respective Classification, As Set Forth In The City's Classified Or Unclassified Salary Ordinance (As The Case May Be); 3) The Term Of Any Independent Contractor Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2014/2015 (September 30, 2015); 4) At A Minimum, The City Manager Shall Require That Any Independent Contractor Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form For Independent Contractors (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent, But Not More Lenient; 5) Requiring The City Manager To Issue A Letter To Commission Each Fiscal Quarter Commencing On January 1, 2015, Which Delineates Those Independent Contractor Agreements That Exceed \$25,000 And 6) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal As Part Of The Annual Operating Budget Approval.

**ACTION: Resolution 2014-28740 adopted.** Motion made by Commissioner Tobin, seconded by Commissioner Weithorn; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item. Ms. Brooks explained that this item comes before them each year since FY 2009/10. It provides the City Manager with the authority to fill vacant budgeted position, up to the amount budgeted, with independent contractors. The Manager then provides a report to the City Commission of any of those that are in excess of \$25,000, each quarter.

2. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For The Following Services, As Required, And As The City Manager Deems In The Best Interest Of The City: Athletics Instruction/Coaching/Refereeing, Including But Not Limited To The Following Categories: Baseball, Softball, Soccer, Gymnastics, Cheerleading, Volleyball; Ice Skating, Hockey, Swimming, Ice Guards, Aerobics Instruction; Fitness Instruction; Arts/Music/Cultural/Drama Instruction And Or Instrument Repair; Computer/Media Services, Including But Not Limited To Instruction And Repair; Recreational Programming And Instruction; Instruction And Therapy For Participants With Special Needs, Including But Not Limited To Education, Health And Wellness; Instruction/Tutoring, Including But Not Limited, To Education; Cotillion; Speech, Debate, Social Skills, Literacy, Math And SAT; Fitness Classes, Including But Not Limited To Aerobics, Zumba, Weight Room, Weight Loss, General Fitness Instruction, Adult And Youth Boot Camp And Baby Boot Camp; School Liaison Officers; Resident Project Representatives (RPR); Community/Public Information Services; Construction Cost Estimating/Consulting Services; Video Production Services; Photography/Videography Services; Graphic Designer Services; Program Monitor Services; Cost Allocation Services; Job Audits; Step III Disciplinary Grievance Hearing Officer; Auditors; Historical Researcher; Latent Examiner Services; Medical Director And Accreditation Services/Support; Psychological And Testing Services; Organizational Development Meeting Facilitation Services; Professional Training Services, Including But Not Limited To, Application Systems Instruction, Methodologies For Application Systems Development, Sexual Harassment, Diversity And Team Building; Home Visitors For The Parent-Child Home Program; Instructors For The Mornings All-Star Programs And HUD Compliance; Application Systems Consulting Services, Including But Not Limited To, Application Systems, Architecture, Application Development Best Practices, Application Security, Applications Quality Assurance, Application Monitoring, Mobile Application Development; Consulting Services For Website And Digital Media Strategy; Web Design; Graphic Design; After-Action Services; Provided Further That The City Manager Shall Be Authorized To Negotiate, Enter Into, And Execute The Aforestated Agreements Subject To The Following Parameters: 1) The Amount Of The Fee Or Other Compensation Under Such Agreement(s) Shall Not Exceed The Authorized Amount For The Respective Services, As Set Forth In The City's Approved Fiscal Year (FY) 2014/2015 Annual Budget; 2) The Term Of Any Service Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2014/2015 (September 30, 2015); 3) At A Minimum, The City Manager Shall Require That Any Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form Independent Contractor Agreement (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent, But Not More Lenient; And 4) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal As Part Of The Annual Operating Budget Approval.

(Human Resources)

**ACTION: Resolution 2014-28741 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item. Ms. Brooks explained that this item is similar to R7D1, which was just approved; this is for specialty services and only for those services enumerated in the resolution.



1:22:19 p.m.

**SUPPLEMENTAL MATERIAL 1: Resolution**

R7E Mayor Levine's Annual Salary And Other Compensation And Benefits Afforded To The Office Of The Mayor.

(Requested by Mayor Philip Levine)

**ACTION: Resolution 2014-28742 adopted as amended.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

**AMENDMENT:**

Raul J. Aguila, City Attorney, stated that the Mayor requested a friendly amendment to direct the Administration to use the proceeds from the donation of the Mayor's salary for the City to continue funding senior programs, and programs related to benefiting the senior citizens of our City. Last year the donation was used to fund the deficit on the senior meals programs. We may not have a deficit this year in the senior meals program, but the Mayor wants to ensure that the proceeds are used for the benefit of the seniors.

4:29:35 p.m.

**SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution**

R7F Term Sheet And Vacation Of 87<sup>th</sup> Terrace East Of Collins Avenue

1. A Resolution Approving A Term Sheet Relating To The Preparation And Execution Of A Development Agreement Between The City And 8701 Collins Development, LLC (8701), Which Agreement Would Provide For The Vacation Of That Portion Of 87th Terrace East Of Collins Avenue, In Favor Of 8701 Collins Avenue, LLC (The "Applicant"); And Would Among Other Terms And Conditions (1) Grants To The City Of A Ten Foot (10') Wide Perpetual Access Easement Across The Northern-Most Portion Of The Vacated City ROW; (2) Ensures Applicant's Payment Of A Voluntary Monetary Contribution In The Amount Of \$10.5 Million Dollars, To Be Used By The City For Improvements To North Beach Open Space Park And Such Other Public Purposes As The City May Deem In The Best Interest Of Its Residents And Visitors; And (3) Such Other Terms And Conditions As May Be Imposed By The City Commission.

**ACTION:** Item heard in conjunction with R7J. No Resolution necessary on the term sheet. Motion made by Commissioner Wolfson; seconded by Commissioner Weithorn; Voice vote: 7-0. **Eric Carpenter and Office of the City Attorney to handle.**

Mayor Levine stated that he is in favor of the term sheet, but he is not in favor of approving both items at the same time. He would like to take a vote on the original term sheet or the vacation on the east side, but on the west side, assuming we get this done and the City Attorney can get a deal signed, then bring the lot across the street back to the Commission for approval. He suggested deferring the second one until the first one is finished.

Jeff Bercow, representing Terra Group, spoke.

Mayor Levine explained that the devil is in the details. He never likes doing two deals at the same time. It is better to do one at a time. Assuming we can get the first deal done and everybody is happy, and then we can move on to the second deal. If we cannot get deal one signed properly, and the City Attorney is not comfortable with the agreement, he would be very apprehensive doing deal two.



Jeff Bercow, representing Terra Group, spoke.

Discussion held.

Raul J. Aguila, City Attorney, stated that deal one has two components: 1) The vacation resolution and 2) the development agreement, and there are other terms like the grant of an easement on 87<sup>th</sup> Street, etc. They can have that done by November.

Discussion continued.

Commissioner Malakoff asked if there is a way to bring the other deal back by October.

Raul J. Aguila, City Attorney, stated that he would be more comfortable bring it back by November.

Discussion continued.

Raul J. Aguila, City Attorney, stated that he is good for November and will shoot for October. He added that he needs two votes, the first one to approve the term sheet for the vacation.

Motion 1:

Motion made by Commissioner Wolfson to approve the term sheet for the vacation; seconded by Commissioner Weithorn; Voice vote 7-0.

Raul J. Aguila, City Attorney, requested a second vote for the resolution vacating the 87<sup>th</sup> terrace right-of-way and requested that the City Clerk read the title. See notes on item 2 below.

Handouts or Reference Materials:

1. The Miami Herald Ad 921

**4:39:19 p.m.**

2. A Resolution Approving The Vacation And Abandonment Of That Portion Of 87th Terrace East Of Collins Avenue, Consisting Of A 50 Foot Right-Of-Way (ROW) Containing Approximately 18,042 Square Feet In Total Lot Area, As Shown On The Plat Of Altos Del Mar Subdivision No. 2, Recorded In Plat Book 4, Page 162 Of The Public Records Of Miami-Dade County, In Favor Of 8701 Collins Development, LLC (The "Applicant"); With Such Vacation Subject To And Contingent Upon The City's Approval, And The City And Applicant's Execution, Of A Development Agreement Which, Among Other Terms And Conditions (1) Grants To The City A Perpetual Pedestrian Access Easement Across A Portion Of The Vacated City Row, And (2) Ensures Applicant's Payment Of A Voluntary Monetary Contribution, In The Amount Of \$10.5 Million Dollars, To Be Used By The City For Public Purposes; And With Such Vacation Further Subject To And Contingent Upon Applicant's Satisfaction Of The Conditions Set Forth In This Resolution. **First Reading**  
(Public Works/Office of the City Attorney)  
(Deferred from July 23, 2014 - R7E)

**ACTION:** Title read into the record. Item referred to the Finance & Citywide Projects Committee. **Resolution 2014-28743** Vacation adopted. Motion made by Commissioner Wolfson; seconded by Commissioner Steinberg; Voice vote: 7-0. Second reading public hearing is scheduled for September 17, 2014 at 5:25 p.m. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. Patricia Walker to place on the committee agenda. **Eric Carpenter and Office of the City Attorney to handle.**

**REFERRALS:**

Referral of the allocation of the purchase price and the guidelines as to how these funds can be spent to go to the Finance and Citywide Projects Committee. Motion by Commissioner Weithorn; seconded by Commissioner Wolfson; Voice vote 7-0.

Raul J. Aguila, City Attorney, requested a second vote for the resolution vacating the 87<sup>th</sup> terrace right-of-way and requested that the City Clerk read the title.

Resolution Title read into the record.

**Motion 1:**

Motion made by Commissioner Wolfson to approve the vacation; seconded by Commissioner Steinberg; Voice vote 7-0.

**Motion 2:**

Motion by Commissioner Weithorn to refer the allocation of the purchase price and the guidelines as to how these funds can be spent to go to the Finance and Citywide Projects Committee; seconded by Commissioner Wolfson; Voice vote 7-0.

Discussion continued.

Commissioner Malakoff stated that the North Beach Blue Ribbon Panel also requested to consider the money to fund using West 8 for the North Shore Open Space Park as part of that.

Handouts or Reference Materials:

1. The Miami Herald Ad 921

**5:15:48 p.m.**

R7G A Resolution Approving The Vacation Of N. Meridian Avenue, Between 37<sup>th</sup> Street (Barry Street) And 39<sup>th</sup> Street, Consisting Of A 70 Foot Wide Right-Of-Way, Containing Approximately 17,500 Square Feet In Total Area, As Shown On The Plat Of Garden Subdivision Recorded In Plat Book 29 At Page 67, Of The Public Records Of Miami-Dade County, In Favor Of Thomas G. Wenski, Archbishop Of Diocese Of Miami, A/K/A St. Patrick's Catholic Church And School (The Applicant); Waiving, By 5/7th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To, Respectively, Sections 82-39(a) And (b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions; And Further Conditioning The Vacation On A Covenant Running With The Land That The Vacated Property Not Be Used Toward Floor Area Ratio (FAR), And Precluding Construction Of Any Structure Or Improvements Within The Vacated Property. **First Reading**

(Public Works/Office of the City Attorney)

(Withdrawn from July 23, 2014 - R7N)

**ACTION:** Title of the resolution read into the record. **Resolution 2014-28744 adopted as amended with two provisions.** Motion made by Commissioner Wolfson with the following provisions: 1) There will be no FAR transfer from this property to the church, and 2) If the school ever ceases to operate as a school, that the vacation will revert back to the City; seconded by Commissioner Weithorn; Voice vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the September 17, 2014 Commission Agenda at 5:20 p.m. if received. **Eric Carpenter and Office of the City Attorney to handle.**

**Amendments:**

1. There will be no FAR transfer from this property to the church; and
2. If the school ever ceases to operate as a school that the vacation will revert to the City.

**Clerk's Note:**

The resolution provided further conditioning the vacation on a covenant running with the land that the vacated property not be used toward floor area ratio, and precluding construction of any structure or improvements within the vacated property.

Commissioner Wolfson amended the resolution to add a proviso that if the property is transferred or sold, then the right-of-way would revert to the City.

Commissioner Wolfson introduced the item and explained that this is a safety issue for the schoolchildren to be able to walk from one part of the street to another. He moved the item with the provisions to be very clear that there will be no FAR transfer from this property to the church and in addition, that if the school ever ceases to operate as a school that the vacation will revert to the City.

**Handouts or Reference Materials:**

1. The Miami Herald Ad 921

**3:08:55 p.m.**

R7H A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee At Its Meeting On August 13, 2014, To Extend The Interlocal Agreement With The Greater Miami Convention And Visitors Bureau (GMCVB) On A Month-To-Month Basis Under The Current Contracted Terms, But Not To Exceed One (1) Year From September 30, 2014; For The City Administration To Re-Negotiate An Incentive Based Agreement That Establishes A Base Fee And An Incentive Fee To Be Paid Based On The Overall Achievement Of Annual Performance Goals; And Further That Funding To The GMCVB Remain At The Current Level Of \$5,366,000; And That The City Hire An Owner's Representative In An Amount Not To Exceed \$161,000 At The City Manager's Discretion.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28745 adopted.** Motion made by Commissioner Malakoff; seconded by Mayor Levine; Voice vote: 5-2; Opposed: Commissioners Tobin and Wolfson. **Max Sklar to handle.**

Jimmy L. Morales, City Manager, stated that the item was discussed at the Finance Committee meeting in August. The Finance Committee recommended entering into a month-to-month contract extension with GMCVB, at the current rate, and coming back by the end of the year with a new agreement that has significant performance measurements tied to compensation. The Finance Committee also recommended looking at either an in-house or an outside owner's representative, to be paid from the \$161,000 savings, which is approximately the difference between what had been proposed and the expected payment.

Commissioner Tobin opposes any extension for this contract. He has asked for many years where does the \$6 million payment made by the City utilized, and he has never been given an explanation.

Discussion held.

Commissioner Weithorn explained that at the Finance and Citywide Projects Committee, the item was discussed several times. The City hired a consultant to review the current contract and recommend how to move forward. The consultant suggested having an incentive based contract, so there is a reward is for doing a good job, and the GMCVB would not paid if they do not do a good job. The Bureau agreed with that. The budget needs to be approved, and so the Finance Committee thought it was imprudent to make a change at this time. The Bureau has a good reputation, they have the contacts, and the consultant recommended creating a contract that works for the City, so the consultant recommended a month-to-month contract extension and then for the City and the GMCVB to try to work towards a new contract with performance incentives. The Finance Committee asked the City Manager to either hire someone to monitor the process or use a consultant. It is important that this Commission make this decision today because it is in the budget. To clarify, the compromise is to continue the contract on a month-to-month basis, and then move towards the new model, which is what the consultant suggested. This compromise would give the City the ability to continue doing what they need to do during the period of construction of the Convention Center, and create a new payment model with the GMCVB in the future.

Mayor Levine thinks it is a terrific idea, and he commends Commissioner Weithorn and Max Sklar for putting it together. He thinks the Greater Miami Convention Visitor's Bureau does a great job, and there is a way to figure out in the future how to improve the working relationship.

Commissioner Weithorn moved the item.

Commissioner Tobin stated that for the last ten years, nobody knows how the GMCVB comes up with their conclusions, and he thinks it is all anecdotal. The Bureau receives \$6 million dollars from the City of Miami Beach to market the destination, and he is not sure if this is a good expenditure of money. The question he has is how exactly the GMCVB spends the money, and what statistics they have to prove that people are coming to Miami Beach because of the Bureau.

Mayor Levine stated that there was consensus to re-evaluate in the future how the City can work better and more efficiently with the Bureau, in order to maximize the City's investment. This is important and it is something that can be done in the future. Mayor Levine recited a quote from Abraham Lincoln that says, "It is not best to swap horses while crossing the river." He does not think it is prudent at this time to "swap horses."

Discussion continued.

Commissioner Steinberg asked a question about the marketing of the Convention Center during the time it is closed.

William Talbert, President & CEO of the Greater Miami Convention & Visitors Bureau, stated that they are selling the Convention Center, the new building, very aggressively. He added that they have actually had some success already in booking the new Convention Center, because people have seen the pictures. The Bureau is having success in the new building because the marketplace now believes that the renovations are going to happen. The Bureau has not let up. The GMCVB has had success, and they feel good about the future of the Convention Center.

Commissioner Tobin added that he has asked about the Jewelry Show contract, and apparently, they are supposed to guarantee 1,500 rooms in attendance for their show, and it turns out they have not been audited for a while. He does not know whether they are producing the rooms. He thinks that for a giant government agency such as the Bureau, which spends \$26 million dollars of taxpayer money, the rubber does not necessarily hit the road as it does in private industry. Commissioner Tobin stated that it is a problem when the City gives \$6 million to the Bureau and the rest of the County gives \$20 million, and there is no concrete measurement of what the GMCVB does. If the destination is successful, the Bureau takes the credit for it; and when the destination is not successful, they blame the economy. This Commission continues to extend the GMCVB contract for various reasons, without getting to the central core issue, which is how exactly does the Bureau spend the \$26 million, and how do they measure what they get for it?

Mayor Levine stated that in the Bureau's defense, this Commission has to realize one thing, the Bureau has been out there "selling a dog" (the Current Convention Center) and they have been putting "lipstick on a pig." The City is now, with the Convention Center renovations, actually delivering to the Bureau a good product to sell, so before they throw the baby out with the bath water let us give it a chance.

Commissioner Steinberg seconded the motion.

Commissioner Wolfson agrees with Commissioner Tobin, and thinks it is a huge number that is paid to the GMCVB, and he has never seen anyone from the Bureau justify it in exchange for what the City gets. He asked this Commission to push to get more information as to what the GMCVB does with the money it receives.

Discussion continued.

Jimmy L. Morales, City Manager, stated that the City has hotel-booking policy and it is the City's obligation to audit that every five years. There has not been an audit in fourteen years, since Art Basel. He added that starting in December 2015, the City would be making some hard decisions as to the booking audits. The City is now requiring an audit from every show between now and December 2015. This will provide recent data, which the City can utilize in the future. They are moving forward with the audit requirement.

Discussion continued.

**2:25:41 p.m.**

**SUPPLEMENTAL MATERIAL 1: Resolution & Term Sheet**

R7I A Resolution Approving A Term Sheet Outlining Material Terms So That A Florida Statute Chapter 163 Development Agreement May Be Prepared Between The City And Miami Beach Port, LLC ("MBP") For The Redevelopment Of The MBP Parcel Located At 120 MacArthur Causeway (The "MBP Parcel") And The City Parcel, Located At 140 MacArthur Causeway (The "City Parcel") Under A Unified Development Project; Which Agreement Will Include (I) A New 20+/- Story Tower For 60 +/- Residential Units (The "Tower"), Above Related Residential Amenities, Parking, And The Creation Of A Deep-Water Large-Yacht Marina (The "MBP Facilities"), (II) The Reconstruction And Expansion Of The Existing City-Owned Facilities Yard And Offices, Including Approximately 40,600 Square Feet Of Administrative Offices, Service Bays, Vehicle Maintenance And Warehousing Facilities And Other Related Facilities For City Operations (The "City Facilities"), (III) 240+/- Parking Spaces (Approximately 75 Surface Spaces On The City Parcel And 50 Designated Covered Spaces On The MBP Parcel) For The City's Sole, Permanent And Exclusive Use (The "City Parking Spaces"); And (IV) Payment Of Fair Market Value (FAR) To The City For The Use Of The FAR From City's Parcel Towards MPB Parcel Development; Which Agreement Shall Be Consistent With The Proposed Terms Of This Resolution And Any And Conditions Imposed By The City Commission.

(City Manager's Office)

**ACTION: Item tabled until the November 19, 2014 Commission Meeting.** Motion made by Commissioner Wolfson; seconded by Commissioner Tobin; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **City Manager's Office to handle.**

Raul J. Aguila, City Attorney, stated that they added a few items to the Term Sheet agreed to (Supplemental Material 1, page 35). One of the comments received, which the developer has agreed to, was suggested by Mr. Del Vecchio, who had contacted the Office of the City Attorney in regards to the language that they have in the existing agreement, that there be no special events held on the terminal line and development. He read the amendment into the record: *Under paragraph 3, subsection b(4), language to be added clarifying that no special event permits shall be requested from the City, nor such events held on the property.*

Discussion held.

Bob Goodman gave a brief background on how he became involved with the Terminal Island project and how he was approached by the developers. Mr. Goodman explained that upon visiting the site he was astonished to find it was in terrible disrepair. He then introduced Commissioner Tobin to the developers with their idea of building a condominium on this site and at the time, it seemed to be a win-win situation. Subsequently the developers met with all the City



officials and have expended over \$1.5 million and 16 months of their life, and he thinks they need to be looked at as far as what is good for the City and how this might be an excellent public private partnership.

Neisen Kasdin, representing Newguard and Harvey Hernandez, explained that what is important to understand is that this is a great thing for the City to do. In development and working for the City for over ten months officially, they have gone in front of many committee meetings, they met with the City staff and with the Commissioners. They have modified and refined the proposal and met with community groups. The City will get: 1) an elimination of 80 to 100,000 tractor-trailer movements on the MacArthur Causeway; 2) the reconstruction at no cost to the City, of the City's maintenance facilities on Terminal Island; 3) approximately \$2 million a year in additional tax revenue to the City from this development; and 4) beautification to the entrance to the City of Miami Beach. This is a very smart public private partnership, it is a win-win deal that accomplishes the needs of the City, of the people who use the MacArthur Causeway, and financially, it is helpful to the City as well.

Harvey Hernandez, President and Principal, Newguard Development Group, gave a summary of the projects built and those being constructed by this group, and stated that he wants to make sure that whatever they are creating is good for the City, good for the Commission, good for the staff and the community. He wants to call Miami Beach home and that is why he is so passionate about it.

Commissioner Wolfson stated that one concern he has at this point is the industrial property that the City has, and the discussion they just had on the heels of transportation, and what potentially this could be for them in the future as a City; as they only have so many pieces of City property. When properties are industrial, they have a sincere need to be kept as industrial in the hands of the City for use.

Mayor Levine added that he met with the developers and he was warm to the concept at that time; however, he is not in favor of the project right now, and he apologized for changing his mind. He explained that this is the last piece of industrially zoned property in the City. The City is expanding and they are building condominiums all across the City. Part of the implicit contract with the City is that they service the City properly, and in order to do so, they need a proper maintenance facility. That piece of land could be something where they can build a state-of-the-art maintenance facility in a nonresidential area. The point he is trying to make, is that the residents moving into the proposed condominium project will be affluent and they will have money to throw around to lobbyists. There will be a different City Commission at this dais, and he is concerned that they will be influenced by those residents with complaints about the noise and they may not want the maintenance facility anymore. Legally covenants and agreements can be made, but this piece of land is the last piece of industrial land in the City, and he does not think it is prudent to build a condominium on top of the maintenance facility. In addition, the City Commission is talking about transportation alternatives, and he believes that this piece of land may be of use to the City in the future. He thinks the Commission needs to keep their options open for the future. Thirdly, the Mayor has never heard massive outcry about massive tractor-trailers coming out of that facility and has never heard that our maintenance facility was falling apart and they could not service the City. He credited Harvey for being a great developer, but he feels they need to be more prudent with the City's last piece of industrial land.

Neisen Kasdin clarified that the industrial use and zoning will not go away and that the City is not selling any of its property, and will retain ownership of every property that it currently owns on Terminal Island. What the City will get is the easement over a substantial portion of Harvey Hernandez's Newguard property to expand its facility.

Mr. Fairman, representing the Palm Star Hibiscus Association, expressed how tractor-trailers affect the islands, as far as pollution is concerned, and traffic congestion in the MacArthur Causeway and is in support of getting rid of the trailers.

Discussion held.

Commissioner Steinberg clarified that they recognized as a City that there is a problem on the MacArthur Causeway, and they will be discussion on this issue at Commission level later. She has a separate issue with this project. She explained that she is uncomfortable with the idea of the compatibility of residential mixed use with industrial, and she has not been able to overcome that yet, even with a covenant, and she wanted to add this for the record today.

Discussion continued.

Neisen Kasdin stated that this Commission has to think about two things in making this decision: 1) the City's property and the needs of the City in the facility; and 2) the Terminal Island property and its impact on the neighborhood and the rest of the community. We must ask the question of what do we want for the remaining three acres that are currently a container port facility. Is that what you want for the future of the City? Is there a better use that could be made as presented?

Mayor Levine stated that they need more time to understand the issues of transportation and maintenance facility status.

Commissioner Tobin agreed with the developers that he thought that there were many reasons for the City to do the deal. He knows that it is the last industrial parcel, but they are not using this parcel for an oil refinery or any heavy industrial use, it is basically a garage where they work on cars and there will be a garage where people can park their cars. He would like to not vote on it today.

Discussion continued about the industrial property.

Mr. Hernandez stated that they had been working for the last 14 to 16 months throughout the process and they thought that legally they were working through it, and they thought that they could give the City all the safeguards needed to have, and that is why they spent \$1.5 million.

Raul J. Aguila, City Attorney, in answering Mayor Levine's questions, stated that there have been prior proposals to develop this property, and none has come to fruition. The reason is 1) the site and 2) he does not think there has ever been a viable developer.

Discussion continued.

Mr. Kasdin stated that the Coast Guard has opined that they have no objection to this project.

Commissioner Weithorn has discussed this item at LUDC many times and this is an opportunity-cost issue, just as the developers are not going to sell to the City, he is not going to give up his opportunity. They spent a lot of time and she voiced the concern that what today's industrial use

requirements are, may not be tomorrow's. Staff has told her that if they need additional FAR, they can allow themselves additional FAR on City's site, but if they allow them to do this, they give up the right to purchase or do eminent domain for that property, and that is a different kind of question. She suggested deferring the item until the next meeting in October and study this important issue further.

Discussion continued.

Jimmy L. Morales, City Manager, stated that the location is not only used by Fleet, but also by Sanitation. They can try to do an analysis of the possible uses for that site, but his first concern is that it has to be the Fleet and Sanitation location, since this cannot be moved anywhere else.

Discussion continued.

Mayor Levine stated that an analysis should be in place to understand if it is right to give up the last piece of industrial property.

Discussion continued regarding studies to be done.

Motion made by Commissioner Wolfson to table the item until the November 19, 2014 Commission Meeting; seconded by Commissioner Tobin.

**4:29:35 p.m.**

**SUPPLEMENTAL MATERIAL 1: Resolution**

R7J A Resolution Approving A Term Sheet Relating To The Preparation Of A Purchase And Sale Agreement (PSA) For The City To Sell 226 87th Terrace (The "Property"), And For 8701 Collins Development, LLC (8701) To Purchase The Property Appraised At \$2,700,000; Which PSA Shall Require 8701 To Construct A Mixed Use Residential And Commercial Parking Garage (The "Project") And Deliver To The City 120 Municipal Parking Spaces As A Condominium Unit Within The "Project"; And Which PSA Shall Be Consistent With The Proposed Term Sheet, And Conditions Imposed By The City Commission.

(City Manager's Office/Office of the City Attorney)

**ACTION:** Item heard in conjunction with item R7F. Item deferred to the November 19, 2014 Commission Meeting. **City Manager's Office and Office of the City Attorney to handle.**

**5:20:07 p.m.**

R7K A Resolution Accepting The Written Recommendation Of The City Manager (As Further Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Administration To Negotiate An Agreement With Taser International, Inc., In The Amount Of \$635,057.90 (For Year One Of The Agreement), For The Purchase Of Body Cameras And Associated Hardware For The Miami Beach Police Department And Other City Departments, Along With A License To Utilize Evidence.Com, A Cloud Based Digital Evidence Storage And Management Solution; Said Agreement For An Initial Term Of One Year, With Four (4) One Year Renewal Options, To Be Exercised At The City's Discretion (And Subject To Funding Availability); And Further Authorizing The Mayor And City Clerk To Execute The Agreement, Upon Conclusion Of Successful Negotiations.  
(Emergency Management)

**ACTION: Resolution 2014-28746 adopted as amended.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff; Voice vote: 6-1; Opposed: Commissioner Wolfson.  
**Charles Tear to handle.**

**Amendments:**

Prior to any body camera implementation, the Commission shall have the opportunity to approve the policies and procedures associated with the use of these body cameras and include regulations when children are present. **Police Department and Office of the City Attorney to handle.**

Mayor Levine introduced the item.

Vice-Mayor Grieco moved the item.

Commissioner Wolfson explained that he is not opposed to the body cameras, but his concerns have to do with what sort of policies are going to be in place for having these body cameras. He is in support of the body cameras with respect to Police Officers, but he is concerned about the cameras as it relates to some of the other City employees, as it opens such a big door with Code or Parking Enforcement Officers and the impact it would have on public records requests and the issue of invasion of privacy.

Vice-Mayor Grieco stated that it is his understanding that the cameras are not constantly running, only when there is interaction with another person.

Discussion continued regarding privacy issues with the use of body cameras used by City employees.

Jimmy L. Morales, City Manager, clarified that the reason they expanded the use of body cameras to other staff is because the reality is that they have individuals in those other departments that engage in regulatory enforcement activity where they often interact with the public. Many times, they receive complaints from the public as to how they are treated by the officers, or officers also complain about how they are treated by the public. These cameras allow some level of accountability and complaint justification as a protection to the employees.

Commissioner Wolfson asked what occurs if an individual does not give their consent to be videotaped. He added that Police Officers are involved in serious life or death incidents, but for other enforcement officers to have to use cameras because they are alleged to be rude, then he feels there are other problems associated with their behavior. He embraces body cameras as long as there are strict policies on the usage and only for Police Officers.

Discussion continued.

Commissioner Malakoff stated that Code Compliance officers deal with difficult situations all the times, just like Police Officers, and she suggested that they be able to record interaction just as the Police. They have a difficult job and a camera can help. She thinks the Fire Department staff can also come into difficult situations during inspections.

Commissioner Wolfson asked the Office of the City Attorney if consent is required to audiotape an individual during a meeting with a building official.

Aleksander Boksner, First Assistant City Attorney, explained that under the law there would be consent required by both parties under those circumstances stated by Commissioner Wolfson. Otherwise, there is no legal prohibition.

Discussion continued regarding consent requirement concerns.

Joe Jimenez, Assistant City Manager, stated for the record, that in the case of Fire and Building, this is limited to inspectors on the street, not the officials at the counter.

Discussion continued regarding Commissioner Wolfson's concerns on privacy and consent to audiotape.

Aleksander Boksner, First Assistant City Attorney, in answering Commissioner Wolfson's question regarding background, stated that it is the Office of the City Attorney's position that each department will have specific standard operating procedures, tailored to each different department, if that is the will of the Commission.

Discussion continued.

Commissioner Wolfson stated that he is in favor of the body cameras being used by Police, subject to policy being drafted prior to it being enacted, and as long as the item comes back to the Commission for approval.

Commissioner Weithorn explained that the Building, Code and Fire inspectors have it worse, since they do not carry a weapon, and a camera would assist them in doing their job properly. However, she feels differently about parking because they do not interact with the public the majority of the time. Given that the memorandum specifically states that it is five body cameras per each area that they are doing on a trial basis, and she does not see the harm in trying on five, and would like them not to purchase the balance until they see what the data generates. She added that the policy must include a provision when children are present.

Aleksander Boksner, First Assistant City Attorney, stated that they are sensitive in terms of the legality of it, and part of the policy will identify what the specific requirements are of the officers when he/she engages that camera. This is partly to ensure that there is a determination when they shall engage it and when they shall not be required to do so, and to avoid any ambiguity that

could lead to potential problems. What the Commission is concerned is circumstances where the video would depict children, and under those circumstances, they would include appropriate exemptions to prohibit release of certain information to the general public. The Office of the City Attorney is aware of this and is prepared to come up with policy relating to the refusal to release information under exemption 119 and other statutory authority.

Discussion continued regarding privacy and the camera use.

Vice-Mayor Grieco is in support of the program and is in support of the City Manager's recommendation for a pilot program for other departments; he disagrees with Commissioner Weithorn and explained that he has seen many times parking enforcement officers being battered while on the job. They deal with angry people and this is to protect employees.

Mayor Levine asked Chief Oates to offer his comments.

Chief Oates explained that there are rules as to when to turn cameras on, and fundamentally the presumption is going to be, unless told legally otherwise, that when you have contact with citizens the camera will go on, and when not, to turn it off, including turning it off when going into private residence, such as when conducting investigations. He is confident that the rules that apply in the last jurisdiction he was in are the rules that will apply here. There are a number of agencies, including in Florida, where these cameras are in use.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, explained, for the record, that the way they contracted with the vendor is with the intent for those departments, including Police and the other four departments, to have an initial deployment and if that does not prove successful they will have the option of not moving forward.

Commissioner Weithorn asked Chief Oates what is done with the information gathered.

Chief Oates explained that in his last employment, the biggest challenge was capture, storage and production of the digital evidence, and in the end, this will be the biggest challenge. The reason they want to go with this system is that this company has a cloud system for storage in a user-friendly method to find a particular event.

Commissioner Malakoff is in favor of using this across the board with the Departments as recommended. She added that the use of these cameras in studies revealed a decrease in the number of incidents where the officers utilize force and she thinks this is a huge positive. The other departments are handling inspection that can lead at times to difficult situations and to her this protects the Officers as well as providing evidence.

Commissioner Tobin stated that they should support the Police Officers because this is a very difficult job, and he is in favor of the use of cameras by the Police Officers, but he has concerns with officers hesitating and not reacting. There are studies that show that when videotaped people behave differently. He requested to know the rules ahead of time and applaud their courage to role this out.



Chief Oates stated that his experience and that of colleagues that have been through this, is that Police Officers nearly all the time perform superbly; the workforce eventually accepts and embraces the program in the end. There is always an opportunity for training and improve the performance of the officers. This is evidence collection, which is an important part of policing.

Commissioner Steinberg supports a pilot program with the Police Officers with proper training. She wondered if it is overkill with the rest of the departments. She suggested seeing how it works with the Police and then educate other departments and do it right.

Discussion continued.

Joe Jimenez, Assistant City Attorney, explained instances of customer service complaints received by Code Compliance and Building staff.

Discussion continued.

Mayor Levine is in favor of the City Manager's recommendation. The Executive Team is telling the Commission that this would be helpful to improve the efficiency of the City. This is also happening all around the country.

Hernan Cardeno, Code Enforcement Director, explained that the cameras would help staff in collecting evidence for violations. This is a test pilot program, and if it works, they would need cameras for every single field inspection officer.

**9:31:45 a.m.**

R7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications No. 2014-128-ME (The RFQ), For Legislative Consulting Services; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Corcoran And Associates, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Ballard Partners, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Rutledge Ecenia, P.A.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(City Manager's Office/Procurement)

**ACTION: Resolution 2014-28747 adopted as amended.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff; Voice vote: 7-0. Revised language to come back to the October 22, 2014 Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **City Manager's Office and Alex Denis to handle.**

**Amendment:**

Add clause that if Southern Strategies choose to represent gambling in the State of Florida, the contract should be terminated and the item should be rebid.

Item to be brought back to the October 22, 2014 Commission Meeting.

Commissioner Wolfson recused himself since he represented Fatima Perez from Southern Strategies in the past.

Raul J. Aguila, City Attorney, explained that Commissioner Wolfson will be stepping off the dais and will not participate in this discussion. He was notified to file a proper conflict disclosure within ten days after the meeting.

Jimmy L. Morales, City Manager, explained the evaluation process and the evaluation committee selection. All teams that submitted proposals are qualified teams. Three out of the four members of the committee gave the number one ranking to the Corcoran and Associates, Inc. team and he agreed with the evaluation. In terms of the timing of the process, the Commission directed the Administration to bring this item back to the September 10, 2014 Commission Meeting.

Commissioner Malakoff stated that this selection is important for the City. One of her biggest concerns is obtaining cooperation from the State, as well as money from the State, relating to sea level rise and the flooding issues faced by the City. She approves the number one choice and the recommendation of the City Manager. She emphasized that the City needs the State's help and cooperation in order to obtain State funds.

Commissioner Tobin asked for clarification regarding representation of gambling interest by Corcoran and Associates, Inc.

Jeff Johnson, representing Southern Group and the Fontainebleau Hotel, spoke.

Discussion held.

Mayor Levine expressed his opposition to gaming.

Discussion continued.

Vice-Mayor Grieco stated that it is his understanding that Southern Strategy Group represents Disney, and there has been discussion that if there is a conflict, Southern Strategies will be stepping up to represent the City.

Discussion continued.

Joe McDaniels, representing Southern Strategies, stated that they represent Disney and they oppose gambling.

Discussion continued.

Mayor Levine explained that this is a potential partnership, and the City can terminate the contract if there is a conflict with Southern Strategies.

Commissioner Weithorn requested that language be added that if a conflict arises, this contract will be terminated at that point, and the City will look for another lobbying firm to represent its interests. She is not comfortable automatically giving it to another company that will be making a decision if conflict comes up.

Discussion continued.

**Amendment:**

Commissioner Weithorn stated that she supports the selection with the clause that if Southern Strategies chose to represent gambling in the State of Florida, the contract should be terminated and the City goes out to rebid. She understands they have a wonderful reputation, but she struggles with the gambling issue.

Vice-Mayor Grieco moved the item and accepted Commissioner Weithorn's amendment.

Discussion continued.

Commissioner Steinberg agrees with Commissioner Weithorn and asked that this item be brought back next week.

Commissioner Wolfson recused himself since he represented Fatima Perez from Southern Strategies in the past.

Raul J. Aguila, City Attorney, explained that Commissioner Wolfson will be stepping off the dais and will not participate in this discussion. He was notified to file a proper conflict disclosure within ten days after the meeting.

Joe McDaniels explained their policy when a conflict arises.

**Handouts or Reference Materials:**

1. Form 8B filed by Commissioner Jonah Wolfson 9/10/2014 - #108

**12:25:48 p.m.**

**1:38:13 p.m.**

R7M A Resolution Authorizing The Adoption Of The Florida Department Of Transportation (FDOT) Preferred Typical Sections For SR 907/Alton Road: From 43rd Street To Pine Tree Drive And From Pine Tree Drive To The Beginning Of Bascule Bridge No. 870613; Said Preferred Typical Sections Developed By FDOT, Based On Public Input From The May 30, 2014 Public Meeting And Additional Meetings With City Staff.

(Public Works)

**ACTION: Resolution 2014-28748 adopted as amended.** Motion made by Commissioner Malakoff; seconded by Vice-Mayor Grieco; Voice vote: 7-0. **Eric Carpenter to handle.**

**Motion:**

**Motion made by Commissioner Malakoff to approve the resolution to move forward with the plans for the cross section including all the items mentioned today, including saving the trees, removing the bulb outs, adding the parking lanes, signalization, crosswalk, and safe bicycling, and we will meet again when the plans are developed.**

Commissioner Weithorn stated that when she met with FDOT, they would push bicycles to North Bay Road, but there are sections where there is no North Bay Road, particularly on the bridge and around Mount Sinai. She specifically requested someone in either the Administration or FDOT to speak about safety because the last time she came down that bridge on a bicycle, cars went by at six inches from her because they did not see her. She cannot authorize a program that can put people at risk. She wants to make sure this is on the record since FDOT stated that they were working on something for bicycles.

Discussion held.

Vice-Mayor Grieco announced that the Mayor wants to be present for this discussion. He announced a recess and the item would be heard again after the afternoon Sutnick Hour.

Presentation made by FDOT. Click the [link](#) to view a video of the presentation.

Discussion continued.

**1:49:09 p.m.**

The following individuals spoke:

Adam Kravitz, President of the Alton Road Homeowners and Residents Association, stated that he urges the City Commission to expand the resolution to include all the other items and added that approving this resolution should be an opportunity to memorialize what FDOT has promised in response to concerns expressed at the public meetings, and confirming City Commission support on those issues.

Discussion continued.

Jim Shlobaum spoke.

Mayra Diaz-Buttacavoli spoke.

Mayor Levine suggested putting together specifically what the residents want to see, meet with staff and circulate before, and then meet with FDOT and get it all done and schedule a meeting with FDOT. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager stated that he does not know what the expectation is for the undergrounding of utilities, but added that the undergrounding in Sunset Islands III and IV is being paid by the residents. The estimate is \$11 to \$14 million on Alton from 44<sup>th</sup> to Allison.

Discussion continued.

Commissioner Tobin stated that he will consider the City contributing to undergrounding and powering on Alton Road since this is a major road and the power on Alton Road will service the City in time of emergency. When submitting plans to Public Works, charge the department with the responsibility to make sure that it conforms to all the regulations, also they should be involved with the design and check for any additional reconstruction of roads that may be necessary. He does not want to push water from Alton Road onto Bay Road because they will create problems. **Eric Carpenter to handle.**

Discussion continued.

**Motion made by Commissioner Malakoff to approve the resolution to move forward with the plans for the cross section including all the items mentioned today, including saving the trees, removing the bulb outs, adding the parking lanes, signalization, crosswalk, and safe bicycling, and we will meet again when they plans are developed; seconded by Vice-Mayor Grieco; Voice vote: 7-0.**

**10:12:34 a.m.****SUPPLEMENTAL MATERIAL 1: Memorandum**

R7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals No. 2014-051-SR, For Design/Build Services For Neighborhood No. 8: Sunset Islands 3 & 4 Right-Of-Way Infrastructure Improvements (The RFP); Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Ric-Man International, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With The Second Ranked Proposer, David Mancini & Sons, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing The Administration To Enter Into Negotiations With The Third Ranked Proposer, Central Florida Equipment Rentals, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Third-Ranked Proposer, Authorizing The Administration To Issue A New RFP; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Capital Improvement Projects/Procurement)

**ACTION: Resolution 2014-28749 adopted.** Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff; Voice vote: 5-2; Opposed: Vice-Mayor Grieco and Commissioner Weithorn. **David Martinez and Alex Denis to handle.**

**RECOMMENDATION:**

Add language to safeguard the City and be able to terminate contract for convenience.

**MOTION 1:**

Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson to award to the recommended bidder, Ric-Man International. Voice-vote: 3-4; Opposed: Vice-Mayor Grieco and Commissioners Tobin, Steinberg and Weithorn. **Motion failed.**

**MOTION TO RECONSIDER:**

Motion to reconsider by Commissioner Tobin; seconded by Commissioner Wolfson. Voice-vote: 7-0.

**FINAL MOTION:**

Motion made by Commissioner Wolfson to approve the item as recommended; seconded by Commissioner Malakoff; Voice vote 5-2; Opposed: Vice-Mayor Grieco and Commissioner Weithorn.

Alex Heckler, representing David Mancini & Sons, stated that his client over the last ten years has done about a hundred million dollars in underground piping and streetscapes in Miami Beach, and is currently the subcontractor on the Alton Road project. David does not wish to delay this project. The reason the protest was filed is that the procurement process did not follow the mandate by the Commission. There was an item on the agenda to have a process where the RFP would be based on qualifications and only 20% based on price; then an addendum was issued stating that it was only price. Secondly, the State law for CCNA, Consultant's Competitive Negotiation Act, says that you cannot have a design build solely based on price; therefore the protest. David and his company do not want to delay the project, and they know that they have done a great deal of work on the Beach, but when they saw the low bidder was \$7.7 million and they were a little over \$11 million, they knew that it could not be done at that price. He knows the City Manager and the City Attorney have responded to the bid protest and the selected company has stated that they can do it for that price, but what concerns them is that going through the

process there was an oral presentation and David Mancini & Sons finished first on quality. During the oral presentation, Ric-Man, the low bidder, clearly showed that they did not understand the process. Again, when you do not follow the mandate from the City Commission of 20% only on price, and the design build Statute it causes problems. They are here today to say that there are about \$300 million worth of stormwater improvement in the works, and they ask that the City correct this process before moving forward. He added that they will not file a lawsuit and will respect whatever decisions the City Commission makes, since David is a partner with the City and does a great deal of work, but this process needs discussion.

Jimmy L. Morales, City Manager, explained that in his memorandum, consistent with design build by CCNA, he expressed his concern that addendums to RFP's or other procurement process would often come back to the Commission or even to him; most of them are immaterial and technical; however, there are clearly subjective changes that should have come back to the Administration, and in turn he would have brought up to the City Commission's attention, but going forward he will make it clear that any deviation that has a material issue has to come back to Administration. Mr. Morales added that with respect to the issue of whether or not this company can perform, Bruce Mowry or the City Attorney, which were members of the panel, have discussed as to whether the company is capable of performing the work at that price. The consultant has also looked at the project and he is comfortable with his recommendation that the project can be done by Ric-Man.

Commissioner Malakoff asked if the City Commission could have an oversight by the City's Engineering Department to ensure they are doing what they say.

Jimmy L. Morales, City Manager, explained that the City Engineer and consultant have to sign off on any changes, requests or deviations from the DCP.

Commissioner Tobin agreed with Commissioner Malakoff, and stated that they need someone to look this over. In reality, Ric-Man was subcontracting a great deal of the work to David Mancini. He wants to make sure that someone oversees it.

Discussion held regarding the design build process.

#### **MOTION 1:**

Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson to award to the recommended bidder, Ric-Man International. Voice-vote: 3-4; Opposed: Vice-Mayor Grieco and Commissioners Tobin, Steinberg and Weithorn. **Motion failed.**

Discussion held.

Commissioner Weithorn explained that she voted against it because of all the unknowns. They have had projects awarded and then they hear complaints from the residents that have to deal with real problems. This is an island with one entry and one exit and they need to do it right. She is not comfortable with this group facing the kind of challenges that are required, and there are many unknowns.

Mayor Levine stated that the City gets what they pay for, and Mancini did a great job with Sunset Islands I and II, but he is in favor of it because Administration is recommending the award.

Discussion continued.



Commissioner Tobin asked if the Administration is allowed to negotiate with David Mancini & Sons as the first, and then go to the next bidder. He does not want to experiment.

Discussion continued.

Raul J. Aguila, City Attorney, added that the City Commission is not bound by the recommendation of the City Manager. He opined that if there is a recommendation to award to DMSI, that there be some discussion on the record as to why it would be in the best interest of the City to award to DMSI.

Discussion continued.

Jimmy L. Morales, City Manager, explained that his concern is to get more competition for the City.

Discussion continued.

Lucia Dougherty, Esq., representing Ric-Man International, introduced the owners of the company, Paul and Lisa Janskowski, and stated that they are gratified that the Manager recommended the company. Ric-Man knew exactly that the price was what mattered, and they wanted the business. They have \$100 million bid bond in case the company defaults on the project. Additionally, Mr. Mancini has not been with the company since 2010, since then, they have done \$30 million worth of projects and they have letters of commendations from the cities that they worked with. They are here to tell this City Commission that they are willing to do the project at the agreed price.

Commissioner Wolfson asked how the company could put the Commission's concerns to rest that the price does not reflect a lack of knowledge to important factors, or that they are not being overly aggressive.

Paul Jankowski stated that as far as the prices submitted, they were trying to be aggressive to get back into the City of Miami Beach, they are happy with the price submitted and he promised them that they will make the City proud.

Eric Zichella, representing Ric-Man International, stated that when this RFP was put forth and a pre bid meeting held, there were 12 contractors in the room, and there was near unanimity among them to move it into a two-step process, to short list and then do something with the price after the fact, including Mancini.

Discussion continued.

Mayor Levine asked the City Manager if there could be safeguard language added into the contract to address the concerns of the City Commission.

City Manager Morales stated that they have the oversight of both the City Engineer and the consultant, that any changes to be proposed have to be approved by them.

Mayor Levine recommended that they come up with strong language to safeguard and for the City to be able to terminate for convenience. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, for the record, stated that Commissioner Wolfson asked the appropriate question as to whether they can guarantee the price under this specification and design criteria as built, which was addressed in the bid protest. There was an initial confusion as to statements made at the presentation on whether or not Ric-Man intended to comply or understood the specifications of the DCP, and from his position, all statements are now valid, and they are holding them to the price and the price adheres to the requirements of the DCP.

Discussion continued.

Neil Fairman, representative of the Palm Islands Homeowners Association, stated that they had an approved contract for about two years, and they need to be careful the way the contract is written. He complained that nothing has been done and they have been waiting for over ten years to get this project started, and there has to be something for the City to do during negotiations and contract signing. If the contractor falls behind, then the City should be able to replace them.

Discussion continued.

**MOTION TO RECONSIDER:**

Motion to reconsider by Commissioner Tobin; seconded by Commissioner Wolfson. Voice-vote: 7-0.

**FINAL MOTION:**

Motion made by Commissioner Wolfson to approve the item as recommended; seconded by Commissioner Malakoff; Voice vote 5-2; Opposed: Vice-Mayor Grieco and Commissioner Weithorn.

Vice-Mayor Grieco stated that his nay vote is based on procedure. When an RFP is issued from the dais, there are such substantive changes to the RFP, and it does not come through the City Manager's desk, there is a problem, and he has an issue with that.

**Handouts or Reference Materials:**

1. Email from Jasmine Coe <jcoe@llorenteheckler.com>, dated September 9, 2014, RE: Item R7N with attached APR Executive Summary 9-9-14.pdf titled Executive Summary Concerning the Wrongful Conversion of Florida-Based APR Energy's Power Generation Equipment on Australian Government-Owned Property.
2. Letter dated September 9, 2014 via email to [aheckler@llorenteheckler.com](mailto:aheckler@llorenteheckler.com) RE: City's Response to Protest to Recommendation to Award RFP 2014-051-SR, filed by David Mancini & Sons, Inc. (DMSI) on July 28, 2014.
3. Letter dated September 8, 2014 RE: Item R7N on September 10, 2014, Commission Agenda – RFP No. 2014-051-SR Design/Build Services for Neighborhood No. 8: Sunset Islands 3 & 4 Right-of-Way Infrastructure Improvements, from Alexander P. Heckler to Honorable Philip Levine, Mayor.

**4:20:11 p.m.**

R7O A Resolution Approving The One-Time Use Of Advance Drawdowns Of Home Investment Partnership (HOME) Program Funds By Carrfour Supportive Housing, Inc. (Carrfour), Which Drawdown Will Fund Carrfour's Harding Village Rehabilitation Project, Facilitate The City's Timely Expenditure Of Said Funds By September 30, 2014, And Avoid Any Recapture Of The Funds By HUD; And Further Authorizing The City Manager, Or His Designee, To Review And Approve Such Draw Requests.

(Housing & Community Services)

**ACTION:** Item moved from C7H. **Resolution 2014-28750 adopted.** Motion made by Commissioner Malakoff; seconded by Vice-Mayor Grieco. Voice vote: 7-0. **Maria Ruiz to handle.**

Commissioner Weithorn asked why they give HOME funds to other agencies and why was it not used for themselves?

Maria Ruiz explained that they had an expenditure deadline of September 30, 2014 and this was the only viable project that would allow them to make the deadline.

Handouts or Reference Materials:

1. Email from Marcia Monserrat dated September 8, 2014 RE: Item C7H.

### **R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.

(City Clerk's Office)

**ACTION:** The following changes and appointments were made:

#### **AUDIT COMMITTEE:**

Marc Gidney, CPA	Term ending 12/31/2017	Appointed by Commissioner Steinberg
Sandy Horwitz, CPA	Term ending 12/31/2015	Appointed by Commissioner Wolfson
Dana Kaufman, CPA	Term ending 12/31/2015	Appointed by Commissioner Tobin
Ronald Starkman	Term ending 12/31/2017	Appointed by Vice-Mayor Grieco
Arthur Unger, CPA	Term ending 12/31/2017	Appointed by Commissioner Malakoff
Michael Wiel	Term ending 12/31/2015	Appointed by Mayor Levine

#### **BUDGET ADVISORY COMMITTEE:**

Julio Magrisso	Term ending 12/31/2014	Appointed by Commissioner Tobin	TL 12/31/21
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#### **COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:**

Ivette Birba	Term ending 06/30/2015	PTA Representative Fienberg Fisher K-8
Elisa Leone	Term ending 06/30/2015	PTA Representative Biscayne Elementary
Rosa Maria Neely	Term ending 06/30/2015	PTA Representative Treasure Island

#### **COMMITTEE ON THE HOMELESS:**

Freddy Funes	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/21
Rabbi Solomon Schiff	Resigned 07/23/2014		

#### **CONVENTION CENTER ADVISORY BOARD:**

Matt Hollander	General Manager	Ex-Officio Member, Global Spectrum
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**DISABILITY ACCESS COMMITTEE:**

Lee Weiss                      Removed due to absences

**HEALTH ADVISORY COMMITTEE:**

Anthony Japour              Reinstated 12/13/2016

**MARINE AND WATERFRONT PROTECTION AUTHORITY:**

Luis Sanchez                Ex-Officio Miami Beach Marine Patrol

**MAYOR'S BLUE RIBBON PANEL ON WASHINGTON AVENUE**

Adriana-Savino Miller      Resigned 09/04/2014

**MIAMI BEACH CULTURAL ARTS COUNCIL:**

Daniel Novela                Removed due to absences

**PERSONNEL BOARD:**

George Castell, Group II    Resigned  
Alex Bello, Group I        Elected 7/31/14 through 7/31/2017  
Eddie Carranza, Group 2    Elected 8/29/14 through 7/31/2016

**POLICE/CITIZENS RELATIONS COMMITTEE:**

Alejandro Dominguez, Jr.    Removed due to absences

## Handout or Reference Materials:

1. Email from Mary Heaton dated September 10, 2014 RE: Attendance Report.
2. Email from Maria Martinez dated September 4, 2014 RE: Dr. Anthony Japour

R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

**ACTION:** No appointments were made.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

1. Miami Beach Resident Elizabeth Donnelly (Donna) spoke about her troubles with a tree located in the City lot next to her home. The type of tree she is talking about is referred to as a "strangler." This tree is causing her trouble because of its strong roots that are buckling the pavement, and can be a major threat to swimming pools, sewer lines, electrical wiring and gas lines. She said City employees lied to her claiming the tree was rare and could not be removed or altered in any way. Ms. Donnelly asked for the tree to be removed in its entirety before it starts damaging her property. The City Commission agreed to look into the matter further.
2. George Neary of Miami Beach Sister Cities Program thanked the Mayor, Commissioners and all those involved with the visit they had from Sister City Members from Fujisawa, Japan. Mr. Neary called the visit a success.
3. Stanley Shapiro expressed his concerns regarding the selection process of Miami Beach lobbyists to the State Legislature. He believes former State Senators and Representatives know the process better than anyone else, and will act in the City's best interests. Mr. Shapiro believes there is a conflict of interest with some of the current City Lobbyists who represent pro-gambling groups. He urges new lobbyists be selected, ones who are not at odds with the City's anti-gambling stance.

4. Daniel Ciraldo spoke about the North Beach Emergency Item. On the previous day, the Historic Preservation Board voted for a reduced boundary in the North Shore Historic District. Originally, there were 800 proposed buildings, but the Board went with 285 buildings. Mr. Ciraldo recommends letting some time pass and let all the parties meet first before stopping the zoning in progress.
5. Miami Beach resident Lisa Almy asked for speed bumps to be reinstalled on Pine Tree and La Gorce Drives. Ms. Almy's dog was run over by a speeding car just outside of her home, and fears speeders may soon hit pedestrians, or bicyclists. Commissioner Malakoff agreed that the problem with these roads is the speeders. The speed humps were a great asset in reducing overall car speeds, and City Manager Morales and Public Works Director Eric Carpenter spoke about reinstalling the speed humps, and possibly making both one-way roads into two-way roads.
6. Alberto Machado complained about a City Hall Security Guard being very rude to him the other day. Mr. Machado then showed a photograph of bruises he received to his mouth from an altercation he had recently. He also recounted the problems he had with Miami-Dade Transit. Mayor Levine agreed to speak with Mr. Machado on these matters in the afternoon.

Handouts and Reference Materials:

1. Email and letters from Rosemary [Hansford@aol.com](mailto:Hansford@aol.com) dated July 24 and September 8, 2014 RE: Reinstalling Speed Humps.
2. Copies of photographs and description regarding Florida strangler figs.
3. Rendering of North Shore and Normandy Isles Historic Districts.

**1:03:20 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

1. Luis Amato made a complaint against the advertising banner airplanes that commonly fly over the beach. Mr. Amato claims these planes are not only uncomfortably noisy, but they also pose a safety risk, with three planes having crashed in the past few months, all in South Florida. City Manager Morales stated he has reached out to the FAA since the latest airplane crash, but he was unaware of the noise issue these types of planes posed, and would look into it. **Joe Jimenez to handle.**
2. George Cholakakis, a long-time Miami Beach resident, discussed the issue with the Sunset Harbor C-Pass that is used to go over the Venetian Causeway that connects Miami and Miami Beach. The problem is that the C-Pass will now only be available to people who live or work on the Venetian Causeway, excluding several people who live around the area and frequently use the Venetian Causeway, and will now have to pay full-price. He has a signed petition that has collected approximately 472 signatures, 270 of which are from residents that consider the C-Pass exclusion unreasonable. Vice-Mayor Grieco said that he was unaware of this issue, but his item R9O deals with the C-Pass. City Manager Morales said he would bring this matter up with the County.

**3:43:06 p.m.**

R9C Update On The Miami Beach Convention Center Project.  
(City Manager's Office)

**ACTION:** Update given by Maria Hernandez. See action with R2A.

**12:02:05 p.m.**

R9D Discussion Regarding Committee For Quality Education Motions Made February And March 2014 Regarding Extended Foreign Language (EFL) Program In Miami-Dade Public Schools.  
(Requested by Commissioner Edward L. Tobin)  
(Continued from June 11, 2014 - R9F)

**ACTION:** Discussion held. 1) City Manager to continue working with the Miami-Dade County School Board on this issue. 2) Continue dialogue the School Board to find out about professional development after school for the five sessions, and the 3-day summer program for the increase in teachers so that we can increase the number of teachers eligible at the various elementary schools in the City's feeder pattern. **Dr. Leslie Rosenfeld to handle.**

**TO DO:**

Provide updated on October 22, 2014. **Dr. Leslie Rosenfeld to handle.**

Dr. Leslie Rosenfeld, Chief Learning Officer, introduced the item.

Iraida Mendez-Cartaya introduced Ms. Vivian Santiesteban-Pardo, North Region Superintendent; Ms. Sally Alayon, Administrative Director, North Region Center; Ms. Lubby Navarro, Executive Director, Intergovernmental Affairs and Grants Administration; Ms. Lisette Rodriguez, Executive Director, Advanced Academics; and Ms. Renee Ilhardt, Supervisor, Advance Academics.

As requested at the June 11, 2014 Commission meeting, Ms. Mendez-Cartaya gave a verbal report. The challenges are lack of qualified bilingual teachers. The EFL program requires qualified teachers. They can build capacity to form partnership over time by certifying teachers as bilingual. In anticipation for continued discussion, it is important to finalize proposal and find qualified teachers to provide skills to students.

Discussion held.

Ms. Mendez-Cartaya explained the process for proficiency testing to Commissioner Tobin. She added that public schools in Miami-Dade County are a donor district, and the State is a donor state; unfortunately, the State does not fund a second language.

Vice-Mayor Grieco asked what they could do.

Ms. Mendez-Cartaya explained that the cost for Miami-Beach to implement this program at K-1 for 300 students City-wide is \$810,000. This will also cover education cost of 1) afterschool and 2) a summer session for teachers who are interested.

John Aleman, Chair of Quality Education Committee, stated that it is a blessing to have the Quality Education Committee encouraging dialogue between the City and Miami-Dade County Schools. It would be a benefit if there are ways to add incentives for teachers to get certified and be compensated for this skill, she suggested that the City provide those incentives.



Commissioner Malakoff asked how many schools in the County offer bilingual education. Ms. Mendez-Cartaya stated that most schools have EFL programs or ISO programs, and there are multiple models of delivery of language throughout the district. Not all schools are offering EFL programs.

Discussion held regarding ability to recruit teachers linguistically qualified to teach a second language. Ms. Mendez-Cartaya added that they are in agreement with FIU for interested teachers to receive certification for bilingual teachers.

Commissioner Weithorn stated that it is important to continue to dialogue.

**Direction Given:**

1. City Manager to continue working with the Miami-Dade County School Board.
2. Proceed with the School Board to find out about professional development after school for the five sessions, and the 3-day summer program for the increase in teachers so that we can increase the number of teachers eligible at the various elementary schools in the City's feeder pattern.

**TO DO:**

Commissioner Steinberg, Tobin and Vice-Mayor Grieco requested the City Manager and the School Board to update the City Commission on this matter at the October 22, 2014 City Commission meeting. **Dr. Leslie Rosenfeld to handle.**

R9E Discussion Related To Towing And The Immobilization Of Vehicles.  
(Requested by Mayor Philip Levine)  
(Item not reached on July 23, 2014 - R9E)

**ACTION:** Item not reached.

**5:06:11 p.m.**

R9F Discussion Regarding A Resolution Providing Healthier Snacks In Vending Machines At All Of Our Public Facilities.  
(Requested by Commissioner Micky Steinberg)  
(Deferred from July 23, 2014 - R9L)

**ACTION:** Discussion held. Item deferred to the September 17, 2014 Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to draft resolution.**

Commissioner Steinberg introduced the item and commented that the City does not have any standard guidelines for vending machine snacks. She added that Max Sklar, Director of Tourism, Culture And Economic Development Department, provided her with a binder with what other municipalities do, and what the Federal guidelines are. Next week, she will have a resolution. She will be bringing this item back to the next Commission meeting.

**3:23:00 p.m.**

R9G Discussion Regarding The Collins Canal/Dade Boulevard Bike Path Project.  
(Requested by Commissioner Edward L. Tobin)  
(Deferred from July 23, 2014 - R9X)

**ACTION:** Discussion held. Item referred to the Land Use and Development Committee. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin and approved by acclamation. **Thomas Mooney to place on the committee agenda. Eric Carpenter to handle.**

**REFERRAL AND RECOMMENDATIONS:**

- Refer to Land Use and Development Committee;
- Bring proposed landscaping aesthetics before replanting mangroves within the canal; and
- Bring preliminary plans for projects and costs to Commission.

Commissioner Malakoff stated that she received an email from Sheryl Gold, who has been very active in the green space tree advocacy group for years, and at a Tuesday Morning Breakfast Club meeting it was mentioned that the Collins Canal in back of the new Convention Center will be refurbished, trees preserved, mangroves added, sea wall to be renovated and the Carl Fisher Club House restored. Ms. Gold wanted the City Commission to know that they are encouraged by this commitment; however, the entire Collins Canal deserves to be refurbished, trees preserved, re-planted and the destroyed mangroves mitigated, particularly in the section between Alton Road and Meridian Avenue where all vegetation was destroyed. Ms. Gold urges the Commission to direct the Administration to provide adequate space for landscaping shade tree canopy, restore the ecology, ensure pedestrian and bicyclist safety, help mitigate climate change, and reduce noise pollution and absorbed fuel emissions.

Barry Miller, landscape architect and a 28-year resident of Miami Beach read a statement into the record. He explained that the Collins Canal was named after John Collins, and added that the Canal is a vital part of the City's development in history, but sadly, it has been largely ignored in terms of their appreciation and public use, in spite of abutting the Convention Center, the Botanical Garden and the Holocaust Memorial. Great cities are increasingly looking at their waterways as valuable public resources and benefits, and such Cities budget substantial funds and find ways to make improve their waterways and maintain them. The City of Miami Beach can do the same, especially now with the renovation of the Convention Center. The City can create a linear park across Dade Boulevard, but this requires political will. He thanked Commissioners Tobin and Malakoff for their support.

Commissioner Tobin stated that Mr. Miller has put in hundreds of hours designing and redesigning Dade Boulevard to make it beautiful, and Ms. Gold and a couple of other residents stated that the City's plan was not going to work, and they were right. Now the City should help them to fix it up.

Gary Hunt explained that the built project they have now has jersey barriers, no landscaping, there is no room for it; it is a sun blasted sidewalk. They rebuilt the seawall in the canal, but where there were 440 mangrove trees, now there is a sterile bulk headed ditch. They think this can be turned over into a winner and the have come up with the concept of the roundabout, with the approval of the County, which would help eliminate the Wild West system present at Publix at the east end. They hope that when the City does its traffic study in October, that the roundabout idea will not be off the table, and that it includes landscaping to give shade. They propose a mangrove planting area within the canal itself, which will eliminate the bulk head by introducing those planting areas that mangroves could grow in which clarify the water and have other

environmental benefits. They have also proposed changing the bike pedestrian designation. If they go to a sidewalk and do not reengineer the bike path to the north side, which is on the golf course, you could have a safer bikeway and reduce the width of the sidewalk.

Discussion held.

Eric Carpenter, Public Works Director, explained that this is a difficult situation. There is an engineering solution to every one problem, but ultimately it comes down to what is the priority in this situation. They can put mangrove planters in along the canal; they can deal with the permitting issues, which takes about a year at a cost of \$200,000 in mitigation costs for Johnson sea grass because it is a Federally regulated species. The roundabout he thinks it is a fantastic idea. They are trying to make that work without creating unintended consequences for the Convention Center. They wanted to not run too fast with the circle and find out later that it was going to create problems with the trucks that need Dade Boulevard to deliver materials to the Convention Center, and they think they have that ironed out. Ultimately, he thinks they all agree that landscaping is needed; it is a function of how much landscaping, and are they going to do away with the bike path to put landscaping in?

Commissioner Malakoff asked if they could put the bicycle path across the street on the golf course, where there is a sidewalk and it is public property. Can the bicycle path be moved off the canal and thereby putting additional landscaping at the canal? She suggested delaying the roundabout until they hear from the Convention Center to see if it is viable or not. She agrees that the current design is terrible and requested that the Administration start the process with DERM about replacing the mangroves, they can do it in a vertical way so it affects less upon the Johnson's grass.

Eric Carpenter, Public Works Director, stated that he has a question about the mangrove planting pilot project, since it has never done before. What is special about this particular canal for the pilot project, because it is one of the narrowest canals, mangrove could potentially create problems in the future if they want to do something with the canal for moving water quickly. That was one of the concerns by the City's engineer.

Discussion continued regarding landscaping and costs.

Mr. Carpenter stated that they have a preliminary plan put out to bid as part of several smaller projects that will come back in a few weeks to see what the costs would be. He will bring that information back to the City Commission. **Eric Carpenter to handle.**

Commissioner requested that they also come back with the costs and information about what to do about putting in a linear park. They ought to be able to do something on a canal and it is a resource that they are missing out on.

Commissioner Tobin requested to see the aesthetic, before they decide to replant mangroves within the canal or deal with the sea grass. **Eric Carpenter to handle.**

Commissioner Malakoff made the motion to bring item back and refer the item to the Land Use and Development Committee; seconded by Commissioner Tobin. Approved by acclamation.

**2:07:19 pm.**

R9H Presentation By The Miami-Dade Metropolitan Planning Organization (MPO) On The Beach Corridor Transit Connection Study.  
(Transportation)

**ACTION:** Presentation made. Motion made by Vice-Mayor Grieco to continue to study the options available; seconded by Commissioner Steinberg; Voice vote: 6-1; Opposed Commissioner Malakoff. **Jose Gonzalez to handle.**

Jose Gonzalez, Transportation Director, introduced the item.

Myrna Valdez, with Gannett Fleming, Miami-Dade MPO, gave a [PowerPoint](#) presentation. (Click the above link to view the PowerPoint Presentation.)

Mayor Levine stated that they need to continue to move forward with the connectivity between Miami Beach and Miami.

Frank Del Vecchio referred to the project as a “pipedream” that would make traffic congestion worse.

Commissioner Malakoff is in agreement with Mr. Del Vecchio. She stated that it is great to think that people will give up their cars, but this is a pipedream and she will not support this.

Vice-Mayor Grieco likes pipedreams and he supports any chance there is to get people out of their cars.

Commissioner Wolfson is in total support of this.

Commissioner Weithorn stated that is interesting how the younger members of the City Commission are in favor of this issue. She stated that the Commission needs to look at what options are available and see what has worked with other historic cities, and added that they should not give up the dream.

Commissioner Steinberg agrees.

Mayor Levine suggested continuing to look at the options.

Motion made by Vice-Mayor Grieco to continue to study the options available; seconded by Commissioner Steinberg; Voice vote: 6-1; Opposed Commissioner Malakoff. **Jose Gonzalez to handle.**

Handouts or Reference Materials:

1. E-mail dated 09/07/2014 from Frank Del Vecchio to Mayor and City Commissioners Re: Agenda Item R9H: Beach Corridor Transit Connection Study.
2. Typical Section MacArthur Causeway Renderings (Existing and Options) distributed by Frank Del Vecchio.

**5:07:00 p.m.**

R9I Discussion Regarding Short Term Vacation Rentals And Code Enforcement.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. Ordinance to be drafted for first reading on October 22, 2014. **Joe Jimenez, Hernan Cardeno and the Office of the City Attorney to handle.**

Mayor Levine stated that he recently went on the road with Code Inspectors, and he heard from many of the inspectors that it is difficult for them to enforce the Short Term Rental Ordinance, as the City's fees are very low. It is a challenge to enforce it. The Mayor believes that we can take this opportunity to adjust the penalties based on the level of the potential rental itself; so condominiums are a certain penalty fee, houses are a certain penalty fee and mansions a certain penalty fee. If we adopt very stringent and aggressive penalties, we put the onus on the owner of the property, and if the City is wrong, the owner may appeal it. Mayor Levine reiterated that he is requesting a significant/major increase in penalties for violations of the Short Term Rental Code provision.

Mayor Levine gave examples as to the fines.

Assistant City Manager Joe Jimenez stated that they would have an Ordinance ready for first reading on October 22, 2014.

**4:02:07 p.m.**

R9J Discussion Regarding A Traffic Impact Study And The Possible Future Convention Center Hotel.  
(Requested by Mayor Philip Levine)  
(Legislative Tracking: Transportation)

**ACTION:** Discussion held. See action/discussion with R2A.

**1:26:12 p.m.**

R9K Motion To Approve The Recommendation Of The Mayor And Commissioners From The Closed Attorney Client Session Held On April 23, 2014 (Item R10B).  
(Office of the City Attorney)

**ACTION:** Discussion held. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote: 7-0. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, introduced the item. City Attorney Aguila explained that this is a cleanup item. This is pertaining to the litigation case entitled City Of Miami Beach v. Hargreaves & Associates, et al., Case No. 10-61979 CA 03 Circuit Court, 11th Judicial Circuit. The actual settlement was approved in the attorney Client session held on April 23, 2014, but it was not brought back at that time to the City Commission for ratification. Therefore, the City Attorney is asking that the Commission ratify what it did in Attorney Client Session, and approve the settlement with the subcontractors.

**10:03:59 am.**

R9L Deputy Chief Laretta Hill Swearing In Ceremony.  
(City Manager's Office/Police)

**ACTION:** Swearing in Ceremony held.

Jimmy L. Morales, City Manager stated that when he was going through the Police Chief selection process, it is when he met Laretta Hill, an Assistant Chief in Arlington, Texas, which is considered one of the finest Police Departments in the country. Chief Hill impressed the City Manager with her energy, dedication and her commitment to excellence. The Manager was also impressed that Chief Hill, while in Arlington, had been given the responsibility to personally coordinate multiple agency security details for a Super Bowl, a World Series and an NCAA Final Four; that said a great deal, not only about the respect they had for Chief Hill in her own department, but the respect they had for her across the region to be granted the responsibility for such significant security events. While ultimately he was very excited to select Chief Oates, and present that appointment for the Commissions' consideration and approval, when Chief Oates was hired, the City Manager told him, "I think I have a great candidate for Deputy Chief, if she is willing to leave Texas and come to the Miami Beach." We are very fortunate to have Chief Hill. The Manager is very glad that Chief Oates concurred with his opinion of Chief Hill. The Manager commented that this is a very important historic event.

Chief Oates stated that it is a testament to Chief Hill, and the bridge building that she can and will do, that there are so many colleagues of law enforcement from other agencies here today to honor her with their attendance at her swearing in. Chief Hill comes from a very special and progressive police agency known nationally for what it has done and accomplished. She is here today with her husband and son, and Chief Oates is pleased to present Chief Hill for swearing in.

Mayor Levine commented that it is a great honor and it is very exciting.

Oath given to Deputy Chief Laretta Hill by Mayor Levine.

Mayor Levine congratulated Deputy Chief Hill.

Commissioner Steinberg stated that as a female, she is extremely happy today.

Chief Oates made an announcement about his leadership team. Here today is his new Chief of Staff, Wendy Rich-Goldschmidt, who is in the second week as the new Chief of Staff for the Police Department. Chief Oates wanted to introduce Ms. Rich-Goldschmidt to the Commission and the Community. Ms. Rich-Goldschmidt comes with a 29-year career in law enforcement, her two most recent jobs as the Chief of Police of the University of Northern Colorado and then the Chief of Police for Colorado State University. Chief Oates commented that Ms. Rich-Goldschmidt's principle role will be as key administrator for the organization and will work very closely with the Commission to follow-up on any matter that is of concern to the Mayor and/or Commissioners.

Handouts or Reference Materials:

1. Oath



**1:31:27 p.m.**

R9M Discussion Regarding The Possibility Of Creating And Operating A Miami Beach History Museum In The Historic Miami Beach Women's Club.  
(Tourism, Culture & Economic Development)

**ACTION:** Discussion held.

Commissioner Tobin explained the history on this building. The owner of the Women's Club wanted to donate the building to the City. At the time, the Office of the City Attorney opined that since there was a covenant that required it to be a Woman's Club, the City Attorney said we should not take the property free, and the City passed on getting it as a donation. Commissioner Tobin believes it was donated to the County, who in turn gave it to the Wolfsonian and they in turn sold it to South Beach Hotel Group. Commissioner Tobin stated that he thinks we have enough museums that require City resources, so he is not in favor of this item.

Kathie G. Brooks, Assistant City Manager, explained that the Administration has been having discussions with the Hotel Group to determine if there is any interest in sharing the space with them at no charge as a museum chronicling the history of Miami Beach. At the same time we have consulted with several local museums, if we were to do this we would be looking for some other entity to operate it, such as the Miami Historical Museum, and we are estimating that the cost of the exhibition would be \$250,000. This is a discussion to see if there is interest on the part of the Commission in proceeding further.

Commissioner Tobin stated that he thinks the Miami Beach museum is great. However, we have many City owned properties where we are staffed up. To staff up this building up, as single use, in a building across the Hebrew Academy does not make sense to Commissioner Tobin. There are many other public buildings where we could add an ancillary museum to, and not start a new museum.

Vice-Mayor Grieco commented that parking in the proposed area is awful.

Commissioner Wolfson stated that if someone is offering to us a location free of cost for a Museum chronicling the history of Miami Beach, it strikes him as a good idea. It would be nice to have something of that nature.

Mayor Levine stated that as many of us believe, we need and want a Miami Beach historical museum. We have an incredible amount of collectable items that are being archived, and we have the 100-year centennial next year. We need a location to house them. One of the ideas the Mayor had is potentially a museum at the renovated Convention Center. Have the museum in a spot with lots of foot traffic, where many people could see the Miami Beach historical museum. We need a location where there is staffing, parking, it is used and seen and it is part of our investment.

Commissioner Malakoff had originally spoken to the principles of the company that purchased from the Wolfsonian the Miami Beach Women's Club. The Club is a historic building and Commissioner Malakoff thought that it might be a good location for a history of Miami Beach museum. The biggest problem with the proposed location, and perhaps the Convention Center would work better, is that she does not think it is large enough. Through our one hundred years, we have gathered a great deal of materials, we have archives, photographs, maps and drawings, and it is true that some of it will be just be archived and filed for people who are interested to research, but Commissioner Malakoff thinks we would like to see a display, and she does not

know that the parameters and the square footage, the whole makeup of the Miami-Beach Women's club is, she is not sure if it's the right place - it might be too small. Then again, Commissioner Malakoff is not sure that the Convention Center has the space either. Commissioner Malakoff recommends continuing the discussion.

Mayor Levine commented that there is no action here.

Mayor Levine stated that Maria Hernandez should be directed to see if there is an opportunity in the Convention Center under the new plan. **Maria Hernandez to handle.**

Commissioner Wolfson inquired if there is anything else that this proposed space could be utilized for, as it is being offered up for public use.

Vice-Mayor Grieco stated that the actual purpose of the area we have been offered is for events, as an event hall. The museum would be a secondary use.

Commissioner Tobin stated that we could have had the property free.

Mayor Levine asked for a full presentation, listing the pros and cons of the Women's Club and the pros and cons of the Convention Center as a historical museum. **Max Sklar to handle.**

Commissioner Malakoff suggested that there might be other locations.

Commissioner Steinberg suggested further study

City Manager Morales stated that since there seems to be an appetite for a Miami Beach Historical Museum, the Administration would bring additional recommendations. **Max Sklar and Maria Hernandez to handle.**

Commissioner Malakoff suggested looking also at the Carl Fisher Clubhouse as a possible location.

**11:00:45 a.m.**

R9N City Attorney's Verbal Report Update On Status Of CIBO Restaurant.  
(Office of the City Attorney)

**ACTION:** Verbal report given.

Raul J. Aguila, City Attorney, explained that he had given a verbal update on this issue some time ago and added that there were issues with the potential opening of the CIBO restaurant at the Continuum in the South of Fifth Street area, and specifically that issue had been complaints they received and concerns that they had with regard to the opening of an outdoor space in conjunction with the restaurant. Initially CIBO has alleged that under its rights, pursuant to a Development Agreement that the City had previously entered into in 1996 for the development of the Continuum project, and under the 1984 Zoning Code, under which that Development Agreement provided that any development in the Continuum project proceeded under, that they were entitled as a matter of law to open this outdoor space as an additional use to their restaurant until 5:00 a.m.; and that of course, has not only raised concerns in this dais, but has also raised concerns from residents in the South of Fifth Street area, including the members of the Continuum Condominium Association. He believes that the City has remedies, both under the

Statute, which authorizes the creation of Development Agreements, to impose different hours of operations when it can be demonstrated that from the time that the Development Agreement was approved to the current date, there have been significant changes in the neighborhood that merit consideration of the current law. The South of Fifth Street neighborhood has consistently changed from a redevelopment area to a thriving neighborhood and most recently a very heavy residential area, so the character of the neighborhood has and continues to change. Based upon that, his first step was to request from this Commission to authorize him to negotiate with the developer to see if a settlement could be achieved, and developers authorized that he negotiate directly with Nick Donato who is the owner of CIBO. During the past months, Joe, Jimenez, Thomas Mooney, Special Counsel on both sides and the staff of the Office of the City Attorney have engaged in discussions regarding the issue. He reported that: 1) the Condominium Association "Continuum" would recommend a closing of the outdoor space, with complete cessation of operations with no outdoor activities from Monday through Thursday until 11:00 p.m., and Friday through Sunday until 12 midnight; with no exceptions. Special events are scheduled within the discretion of the City Manager. In addition, special events in the South of Fifth area require that neighborhoods be advised of the event and that they have input. After speaking to Mr. Donato, City Attorney Aguila reported that CIBO has countered that they can close on weekdays at midnight and at 1:30 a.m. on weekends; which is not acceptable to the Administration. He asked direction and authority to continue negotiations with Mr. Donato to attempt to reach a compromise regarding the hours of operation; there has to be further room for Mr. Donato to reduce the hours of operation. The second part of his recommendation is that in the event the negotiations do not go well, the City is prepared to defend this matter and insist on the hours of operation that are amenable to this neighborhood. He has two theories. One theory is that under the Statute providing for Development Agreements, the City has authority to impose alternate and stricter hours of operation. The other theory that they are working on with the Planning Department and Counsel for the condominium association is that they believe that even if one presumes that this development proceeded under the 1984 Land Development Regulations, there is an argument to be made on behalf of the City that they would have been required to have obtained a Conditional Use Permit under the 1984 regulations. A Conditional Use Permit would put them in a position where they would have to go in front of the Planning Board, and the Board could impose recommendations on hours of operation. There is also the possibility that the number of seats in the outdoor area could be limited and specifically it would allow the operators to serve wine only on the terrace. He intends to continue to talk to Mr. Donato and at this point, he does not think that the City is prepared to allow this outside space to open until this matter is settled and possibly taking it to the Planning Board for a Conditional Use. He asked to be allowed to proceed on the parallel track, and he will either get hours of operation that they all agree to, or it will end in litigation; and he wants to say for the members of the public, that the City is aggressively prepared to defend this matter.

Motion made by Commissioner Weithorn to allow the Office of the City Attorney to proceed as proposed; seconded by Commissioner Steinberg; Voice vote: 7-0.

Raul J. Aguila, City Attorney, thanked Mayor Levine and Vice-Mayor Grieco for taking time out of their schedules to meet with both sides on this issue and with the residents; their guidance and thoughts on this matter have been very helpful in directing him and affirming the City's position on this matter.

David Haber, representing the Portofino Association and the Portofino Master Association, stated that Mr. Blair requested that he addresses the Commission on their behalf to express their position that 10:00 p.m. should be the closure time on the weekdays, and 11:00 p.m. or midnight on the weekends, as the members of the associations are concerned with children and noise

issues negatively affecting them. He requested on their behalf that they be involved in additional negotiations, and that the City Attorney and City Commission be advised of the issues expressed.

Frank Del Vecchio added that other businesses in the same area are operating under a prohibition that they cannot have commercial or restaurant service on rooftops after 8:00 p.m. This is not only a residential matter, but also a matter of fair competition, a question of equity, and he urged the City Commission to have CIBO comply with the same restrictions.

**1:17:11 p.m.**

R90 Discussion Regarding C-Pass Unavailability For Sunset Harbor Residents And Commercial Properties.

(Requested by Vice-Mayor Michael Grieco)

**ACTION:** Discussion held. Motion made by Vice-Mayor Grieco; seconded by Commissioner Weithorn; Voice vote: 7-0. **Resolution 2014-28751 adopted. Jose Gonzalez to draft resolution. Joe Jimenez and Jose Gonzalez to handle.**

**MOTION:**

Vice-Mayor Grieco moved to direct staff to do everything within the City's power to lobby the County, as a body and individuals, to ensure that the decision to remove the Sunset Harbor employees and residents from the C-Pass program, that that decision be reversed.

Commissioner Weithorn asked that the County be reminded as to how the City of Miami Beach worked in partnership with the County on the Tunnel Project and on the MacArthur Causeway, and how we wish for the County to now work in partnership with us.

Vice-Mayor Grieco added that this is merely giving the County information that they may not have had when the decision was made.

Mayor Levine asked that the Administration reach out to the three Miami-Dade County Commissioners that represent Miami Beach.

Commissioner Steinberg asked that the Administration remind the County that in three months, the Venetian Bridge (West Bridge) will be closed down for repairs, and there will not be a toll for at least 9 months.

Motion was seconded by Commissioner Weithorn.

In response to a question posed by Commissioner Tobin, Vice-Mayor Grieco explained that this does not affect commercial traffic, that he wants the C-Pass to be granted to those individuals who work in the Sunset Harbor neighborhood. Vice-Mayor Grieco added that before the County's decision, the C-Pass was granted to these employees, in addition to the residents.

**6:13:22 p.m.**

R9P Discussion Of The Schedule Of User Fees For The City's Golf Courses.  
(Parks & Recreation)

**ACTION:** Discussion held. Vice-Mayor Grieco moved the item without the increase for City residents, but with all the other proposed increases; seconded by Commissioner Steinberg; Voice vote: 7-0. **John Rebar to handle.**

**TO DO:**

Commissioner Wolfson requested a report six months after the rates are increased showing the number of rounds played as compared to the same period a year earlier. **John Rebar to handle.**

John Rebar, Parks and Recreation Director, stated that golf rates have not been raised in seven years, and during this budget cycle, rather than making a major increase they present an incremental increase, which was discussed at the Finance and Citywide Projects Committees and the Budget Advisory Committee. At committee discussions, there was not an agreement to a full increase at \$5 for residents at Miami Beach Golf Course. The contractor has requested enhancement this year for golf courses; in addition, the living wage was not imposed on the contractor earlier, as well as the affordable care act, which will be mandated upon the contractor. They have these increases in fees along with the service fees that have increased over the seven years. If one factor in the profit after debt service of Miami Beach Golf Club, and the loss or subsidy seen at Normandy Shores, they are seeing a loss or subsidy of \$260,268 of the courses already. Even with the proposed rate increase, considering enhancements, they still do not reach that gap. To end this, they asked if they raise the \$5 for the residents or not? The gap is about \$80,000 and an additional \$25,000 estimated if they did not raise the fee.

Discussion held.

Commissioner Wolfson stated that he does not think they should increase the rate to the residents. The golf courses are an amenity to the residents. He suggested taking the losses.

Commissioner Malakoff asked for the Administration to look into the Premier Card rates. The golf courses are an amenity to residents, but they are not meant to lose money.

Mr. Rebar explained that the Premier Card issue has been referred to the Budget Advisory Committee for more thorough discussion and then will be sent to the Finance Committee.

Mayor Levine stated that he is not in favor of raising the rates for residents. This is an amenity for the tourism industry and being a resident should have some benefits.

Commissioner Malakoff suggested looking at raising the rates for visitors.

Discussion continued as to the competitiveness of the current rates.

**MOTION:**

Motion made by Vice-Mayor Grieco to approve the recommendations of the Budget Advisory Committee (BAC) and the Finance & Citywide Projects Committee, without the increase in the rates for residents.

Commissioner Steinberg stated that Finance did not make a recommendation for increase, as the vote was tied.

Discussion continued.

Commissioner Weithorn inquired who pays for the deficit if the rates are not raised. She thinks that it comes out of the City's general fund.

Mr. Rebar confirmed that it is subsidized out of the Parks and Recreation Budget, so it comes out of the General Fund.

Discussion continued.

Commissioner Weithorn explained that if rates are not raised, then we are all subsidizing golf.

Discussion was held regarding the cost of the Management Contract for the golf courses.

Commissioner Wolfson inquired if the deficit could be plugged by utilizing Resort Tax.

Discussion continued regarding the projected losses for the golf courses. It was explained that Normandy Shores is running a deficit of \$541,000 and Miami Beach Golf Course is running a profit of \$281,000, for a net loss of \$250,000.

Discussion was had regarding increasing usage at the Normandy Shores golf course.

Mayor Levine suggested marketing Normandy Shores differently, providing different opportunities to encourage additional usage at Normandy Shores.

City Manager Morales reminded the Commission that one of the things that was referred to Committee and it is in today's agenda was to look at the issue of strategic pricing and the Premium Card, to see if they can during the slow season at Normandy offer more competitive rates, and having the Budget Advisory Committee look at that.

Commissioner Wolfson cautioned that if you keep raising prices, they would start to lose customers.

Commissioner Malakoff stated that this is similar to the issues faced with the increases in water rates when the County increased the fees it charges the City, and the City instead of passing through the increase decided to subsidize it. A raise of \$5 is minimal, but if they do not raise it this year, then next year they will have a \$10 deficit, and the third year a \$15 deficit. Then at the third year, the argument will be that they cannot raise rates by \$15. The City is better off increasing it incrementally, little by little each year.

Commissioner Wolfson stated that they need to factor in the variable that some people will say it is too expensive and decide not to use the course.

Discussion was had as to the proposed increase for non-residents and rates of public golf courses.

Commissioner Tobin suggested instead of raising \$25.00 in season for non-resident, raise it to \$10.00 in season for visitors.



Commissioner Steinberg stated that she was agreeable to the non-resident increase, but is not agreeable today with a resident increase.

Mayor Levine agreed with Commissioner Steinberg.

Commissioner Steinberg commented that maybe the reason they are having a problems in North Shore, may be because it is inside a gated community, and most people believe the golf course is private. Commissioner Steinberg suggested that they communicate that North shore is a public course.

**MOTION RESTATED:**

Vice-Mayor Grieco moved the item without the increase for City residents, but with all the other increase as proposed; seconded by Commissioner Steinberg. Voice vote: 7-0. **John Rebar to handle.**

**TO DO:**

Commissioner Wolfson requested a report six months after the rates are increased showing the number of rounds played as compared to the same period a year earlier. **John Rebar to handle.**

**9:04:53 a.m.**

- R9Q Discussion Regarding A Request For Vacation Of A City Right Of Way, Located At The Westerly End Of West 59th Street, To Ambassa Holdings, Inc. C/O Christian Berdoure, In Exchange For A Southerly Portion Of The Adjacent Lot 25.  
(Public Works)

**ACTION:** Item withdrawn.

**4:42:52 p.m.**

- R9R Discussion Regarding Ways To Enhance Safety Of And Reduce Accidents On The MacArthur Causeway.  
(Requested by Commissioner Micky Steinberg)

**ACTION:** Item discussed in conjunction with item R9S. Discussion held. Motion made by Commissioner Wolfson to use the local towing companies to clear the causeway; seconded by Vice-Mayor Grieco; Voice vote 7-0. **Deputy Chief Hill to handle.**

Commissioner Steinberg introduced the item and stated the more signage is needed as to the speed limitation in MacArthur Causeway. In addition, more enforcement is needed so people will know we are serious about reducing accidents.

Mayor Levine asked how the City can clear up the roads faster after an accident occurs.

Deputy Chief Hill explained. It is a two-step process: 1) prevent accidents and 2) clean-up faster.

Jose Gonzalez, Transportation Director, explained that FDOT will be installing signs telling drivers to be prepared to stop. He added that they are prepared to work with FDOT to implement safety measures, and do any additional measures that may be needed.

Discussion held.

Chief Oates added that there will be more enforcement.

Commissioner Steinberg asked how the Commission feels about a red light camera in the area.

Vice-mayor Grieco does not like the red light cameras.

**4:52 p.m.**

**TO DO:**

Request Speed Study. **Jose Gonzalez to handle.**

Discussion continued.

**TO DO:**

Provide information regarding red light cameras. **Captain De La Espriella to handle.**

Chief Oates provided explanation regarding the usage of private tow companies to clear the causeway after an accident. The motorist may request the usage of their selected tow companies if the accident involves a non-criminal investigation and does not tie up traffic.

Vice-Mayor Grieco stated that the Police Department must be given the opportunity to conduct their investigations.

Mayor Levine inquired about the usage of HD Cameras.

Tony from Beach Towing spoke.

Discussion continued.

**MOTION:**

Motion made by Commissioner Wolfson to use the local towing companies to clear the causeway; seconded by Vice-Mayor Grieco; Voice vote 7-0. Deputy Chief Hill to handle.

Jimmy L. Morales, City Manager, explained the 90 minutes rule.

Commissioner Steinberg asked when they can expect an update as to when these measures have been implemented. Chief Oates stated that in October. Clerk's Note: Item to be brought back on October 22, 2014. **Deputy Chief Hill to handle.**

**Clerk's Note:**

**Legal Opinion from Police Legal Advisor**, Aleksandr Boksner, First Assistant City Attorney, provided via e-mail on September 17, 2014.

I have reviewed the video for the September 10, 2014 Commission meeting, as it relates to Agenda Item R9S submitted by Mayor Levine, and have determined that the action taken by the City Commission regarding this Agenda Item is limited in its impact, scope and applicability. Please be advised that Commissioner Wolfson made a Motion that the City of Miami Beach shall solely utilize Tremont Towing, Inc. and Beach Towing Services, Inc. (City's Towing Permittee Holders, the "local guys") to "clear the causeways" that are within the territorial jurisdiction of the City of Miami Beach. Arguably, the Commission

predominantly focused their discussions on the MacArthur and Julia Tuttle Causeways, and not the Venetian Causeway for this policy direction.

The City of Miami Beach, under its police power, may take action that promotes the public health, safety, morals, and general welfare of its citizens. The action taken by the Mayor and City Commissioners during the September 10, 2014 Commission meeting is relationally related to its inherent police power and serves the legitimate governmental purpose of traffic safety and control. In that regard, the Miami Beach Police Department would be legally authorized to solely utilize the City's two Towing Permit Operators to remove vehicles under those limited circumstances in which the Police Department is responding to that portion of the two causeways located within the City's jurisdiction.

**4:42:52 p.m.**

R9S Discussion Regarding Traffic Management On Miami Beach Causeways When Accidents Occur.  
(Requested by Mayor Philip Levine)

**ACTION:** Item discussed in conjunction with item R9R.

**5:08:47 p.m.**

R9T Discussion Regarding City's Sidewalk Café Fee Schedule.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. Motion made by Vice-Mayor Grieco to refer item to the Finance and Citywide Projects Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. Patricia Walker to place on the committee agenda, **Joe Jimenez to handle.**

**REFERRAL:**

Finance and Citywide Projects Committee.

Mayor Levine requested the Administration to come back with a proposal as to what they think the City could raise the various sidewalk café rates for Lincoln Road and Ocean Drive.

**4:06:47 p.m.**

R9U Verbal Report Regarding Miami Beach Community Development Corporation.  
(Housing & Community Services)

**ACTION:** Verbal report given by Maria Ruiz.

**RECOMMENDATIONS:**

Bring item back on September 17, 2014 to authorize the purchase, and assume title to the following properties owned by Miami Beach Community Development Corporation: Allen Apartments, Barclay Plaza Apartments, Lottie Apartments, Madeleine Village Apartments, and Neptune Apartments; submit a budget modification to the State of Florida department Of Economic Opportunity for the balance of the City's Neighborhood Stabilization Program (NSP1) funds to help fund the acquisition of these properties and create an operating reserve for the Lottie Apartments, Madeleine Village Apartments And Neptune Apartments; and utilize Community Development Block Grant (CDBG) funds to fund the balance of closing costs for the acquisition of said properties.

Maria Ruiz, Housing and Community Services Director, explained that for the past year, the City has revisited and looked at its operations in their department, and they have done some proactive changes to ensure that some of the issues encountered between the City and MBCDC were addressed on the City's side. They did not always have the ability to address those issues from the MBCDC side and were not able to make progress as quickly as they would have liked. This has changed dramatically in the past 30 days since MBCDC hired Beatriz Cuenca-Barberio as the new Executive Director. She has brought a tremendous amount of experience and integrity and a willingness to look at the problems and issues and try to come up with solutions. What they found in the past years is of concern tied to the operational compliance issues with MBCDC and the properties the City assisted with federal funds. What they have done is try to understand and assess those issues and come up with strategies to resolve the issues and move forward. What has prompted the City to move quickly is two things: 1) Beatriz joining MBCDC and her experience and willingness to work; and 2) the fact that part of their assessment determines that MBCDC grew too much too fast and does not have the capacity to handle all of the properties that are now in its portfolio, most of which were acquired with City funds. They have several guiding principles that guide them:

- The first thing is to secure City funds - there are more than \$36 million in City funds that have been put into this agency over the past decade.
- The second is ensuring that they preserve the affordable housing that exists. The great majority are homes to the seniors that live in our City.
- They wanted to make sure that while they can protect certain assets directly they also wanted to take steps to insure that those assets that they could not protect have the capacity of being protected.

She continued explaining that they met with the MBCDC board on Monday night and they have endorsed what they are presenting to the Commission today. MBCDC has agreed to surrender title to five properties to the City; those five include: The Barclay and The Allen, which are Washington Avenue properties that were acquired in their entirety with RDA funds; the Neptune half block south of Lincoln Road, which was acquired entirely with NSP and HOME funds from the City, and finally The Madeleine and The Lottie, which were acquired and rehabilitated in their entirety with NSP funds from the City. They believe that the acquisition of these properties by the City protects the assets that they have invested heavily in; it safeguards those units to be used as affordable housing, and more importantly, for all those other units that they cannot safeguard because of the funding sources that are invested in those, that they have now the ability through MBCDC to protect those by going back to their agency now, at a level that they can manage the properties in their portfolio, and ensure that it continues with its mission of providing affordable housing to people in the City. This resolution allows them to keep the guiding principles intact and protect all of the affordable housing units that have been developed.

Commissioner Weithorn commended Maria Ruiz for her work, and asked if the goal is to turn these over to someone or to trying to keep them? She applauds her for doing the right thing at the right time to preserve not only the dollars they have invested, but also the investment in the community in affordable housing, but asked what is the long term game plan is.

Ms. Ruiz explained that there are some analyses that they would like to run. At the present time, the properties cover all of our expenses for the most part. They anticipate one building that is of greater concern, which is The Barclay, it has running fines and violations dating back to 2007;

their biggest concern is ensuring that the property is dealt with as a priority. The tenants in that building may need to be relocated, and according to Federal guidelines, that triggers the Universal Relocation Act, which is specific, precise and expensive, in order to make sure those tenants are safeguarded. They are looking at different scenarios to try to mitigate what that cost would be, and while they are doing research and reaching out to other partners including HUD and the Housing Authority to come up with a solution, at the end of the day, whether it is managed by the City or by a property management company, she does not think they have all the data to give the Commission, but the important thing is that MBCDC is at a point where they do not have the capacity to continue to operate with all of the properties in the portfolio, and if they do not act quickly, they ran the risk of losing a great deal.

Commissioner Tobin stated that it is important to him in particular, because over the last seven years he has been saying that there seem to be a great deal of irregularities with how Mr. Da Torre was doing his business, so, he is glad that they are finally getting involved in this. It is disturbing to him that they are giving MBCDC \$30 million. He would like to have the Federal Government looking into this from a criminal aspect. In the previous Administration, the Federal Government investigated the Building Department, and the Commission never found out, or was presented, with the outcome of said investigations or the ancillary problems found. Then it happened in Code, and the Commission was never apprised of all the details even after the investigation was closed. He would like to find out the outcomes of all of the various criminal aspects to the investigation, whenever they are concluded. He is glad that Maria Ruiz is involved.

Discussion held.

Ms. Ruiz also mentioned that some of these properties have land use restrictions to keep them as affordable housing, including The Allen, so they have to be conscious of the restrictions when they look at the portfolio.

Jimmy L. Morales, City Manager, stated that Maria Ruiz and her team have done a phenomenal job.

Commissioner Wolfson asked what is Ms. Ruiz's biggest concern as far as the areas she has been looking at; what is her biggest worry.

Ms. Ruiz explained that her biggest concern was merely compliance to ensure that people who are eligible to live as tenants were there. They have taken proactive steps and they have looked at all the buildings; they have talked to Beatriz about her processes, and she recognizes that there are things that need to be fixed, and she is taking steps to make sure that the properties that remain in their portfolio will be fully compliant with HUD rules and regulations with respect to who goes in those buildings, specifically the wait list, which was not honored in the past few years.

Commissioner Malakoff asked if any of these properties eligible for work force housing. Ms. Ruiz answered in the affirmative.

Stanley Shapiro stated that one of the greatest concerns is that the elderly will not be able to be permitted to live there in the future. There are many elderly people there, and he does not know if the City has the funds to renovate the building, move people out one at a time and renovate it. There are 60 elderly people living there. The elevator broke down, and they are looking at a scandal. He added that in the next two years, indictments will be coming down and they may affect former City officials. It is a terrible thing because the City cannot afford the negative

publicity they get if they have indictments come down. Maria Ruiz is an absolute wonderful person, who has fought for them for one year. He asked if the Commission received the complaints he sent.

Ms. Ruiz stated that the issue of relocating has been her greatest concern in trying to strategize how to do this. They will come up with scenarios that adhere with the law and ensure that they do this in a humane and as naturally as possible.

Mayor Levine stated that Maria Ruiz has done an outstanding job.

Commissioner Tobin stated that the City is lucky to have Maria Ruiz.

**Direction:**

Bring item back on September 17, 2014 to authorize the purchase and assume title to the following properties owned by Miami Beach Community Development Corporation: Allen Apartments, Barclay Plaza Apartments, Lottie Apartments, Madeleine Village Apartments, and Neptune Apartments; submit a budget modification to the State of Florida department Of Economic Opportunity for the balance of the City's Neighborhood Stabilization Program (NSP1) funds to help fund the acquisition of these properties and create an operating reserve for the Lottie Apartments, Madeleine Village Apartments And Neptune Apartments; and utilize Community Development Block Grant (CDBG) funds to fund the balance of closing costs for the acquisition of said properties.

**ADDENDUM MATERIAL 1:**

R9V Discussion Regarding The Six Motions Passed By The Mayor's Blue Ribbon Panel On North Beach At The Meeting Held On August 21, 2014.  
(Requested Commissioner Edward L. Tobin)

**ACTION:** Discussion held in conjunction with R9Y. See action in item R9Y.

**1:27:11 a.m.**

**ADDENDUM MATERIAL 1:**

R9W Discussion Regarding The Strong Cat Litter Box Smell That Permeates The Beach Walk In The Area Of 64th Street.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. Verbal report to be submitted when the issue is resolved. **Eric Carpenter to handle.**

Commissioner Wolfson introduced the item. Commissioner Wolfson commented that the dry cat urine that comes from underneath the boardwalk is very strong. This strong odor creates a poor experience for those individuals that utilize the boardwalk to walk or jog. Commissioner Wolfson inquired if there is anything that can be done to make the smell dissipate.

Eric Carpenter, Public Works Director, stated that this is the first he hears of this issue, and yesterday they pressure cleaned the boardwalk. If this should be done on a regular schedule, they will take care of it. They will continue to monitor the situation.



Mr. Carpenter added that they are working with the Cat Network to obtain an additional grant for spaying and neutering of cats to help control the feral cat population.

Discussion continued.

Commissioner Wolfson stated that when something is done to correct the situation, he would like a verbal report from Public Works. **Eric Carpenter to handle.**

**5:09:31 p.m.**

**ADDENDUM MATERIAL 1:**

R9X Discussion Regarding The Concession Contract With RCI Group, The Management Company Of Miami Beach Marina.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. Item referred to the Land Use and Development Committee. Motion made by Commissioner Wolfson to refer and approved by acclamation. **Thomas Mooney to place on the committee agenda. Max Sklar to handle.**

**REFERRAL:**

Land Use and Development Committee

Commissioner Wolfson introduced the item. He has gotten complaints from residents who have been told by Miami Beach Marina employees not to fish at the marina. Commissioner Wolfson acknowledges that the marina is a big asset for the City, and said he would like to hear from the City Attorney on this matter, since a fishing ban is most likely an issue with the management company contract. **Office of the City Attorney to handle.**

City Attorney Raul J. Aguila stated that the City's contract with the Miami Beach Marina management company is in a long-term contract, expiring on January 1, 2022. After that date, the management company has three ten-year renewal options at their discretion. City Attorney Aguila recommends the item be referred to the Land Use and Development Committee for further discussion.

**9:48:54 a.m.**

**ADDENDUM MATERIAL 3:**

R9Y Update From Mayor's Blue Ribbon Panel On North Beach Revitalization.

(Requested by Mayor Philip Levine)

**ACTION:** Update given. Companion item R9V. **Max Sklar to handle.**

Ricky Arriola, Chairperson to the Mayor's Blue Ribbon Panel on North Beach Revitalization, gave an update on the following:

1. Refurbishment of the Normandy fountain;
2. More and diverse events at the Band Shell;
3. All weather tent to cover the band shell to be able to have more events;
4. More kayak launches for the families; and
5. Opening of North Shore Park.

The panel wants more time to study North Shore Park to do something more comprehensive, and not rushed. The Panel is also creating a marketing campaign to create the North Beach brand.

Other topics discussed:

1. Additional Code Compliance Officers for North Beach;
2. Public need for restrooms at the Altos Del Mar park construction;
3. Design for improvements to the North Shore Open Space;
4. Additional parking needed for North Beach;
5. Support the O Cinema at the Carlyle, and determine the long-term uses of the site;
6. City hiring a Master Planner to prepare a Master Plan for North Beach, and its parks. The Master Planning team should include an engineer that could redesign the North Shore Neighborhood improvement projects.

Jimmy Morales, City Manager, explained that the North Beach Master Plan team is in development.

Commissioner Tobin suggested that the North Beach Development Team should schedule meetings with the City Manager, so that the great ideas they have can gather momentum and be implemented.

**11:13:26 a.m.**

**ADDENDUM MATERIAL 3:**

R9Z Commissioner Weithorn Requests That The Commission Overturn The September 9, 2014, Decision Made By The Historic Preservation Board To Create An Additional Historic District.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Discussion held. Motion made by Commissioner Weithorn to deny the designation and bring back to the December 17, 2014 Commission meeting; seconded by Vice-Mayor Grieco. Roll call vote was taken. 6-1; Opposed by Commissioner Steinberg. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Commissioner Weithorn stated that the Land Use and Development Committee (LUDC) has had several discussions trying to come up with what is the right potential Historic District in North Beach. At the last LUDC meeting, they talked about all the initiatives in North Beach, and about a more comprehensive plan and a more intrinsic and elegant plan to reconcile the initiatives and challenges, which include flood plain issues, companion ordinance required to help commercial uses of the areas, looking at the actual number of historic buildings and the conditions they are in, potential ownership issues and consulting with Jeff Oris to help with a plan for economic development in North Beach. The decision of the Historic Preservation Board (HPB) is not what she had hoped; she hoped they would all work together to come up with the right decisions, but yesterday the HPB decided that they did not want to work with the Commission and the members of the LUDC, nor with everyone who has been working on this collectively, especially the Task Force Committee, who have met weekly for months. She requested that they overturn the HPB decision, go back to the table and come up with a more comprehensive and elegant plan and that they do this the right way, to have the proper outreach to the community. She added that this does not mean that they do not support Historic Districts, but she supports doing this in a matter that is collective and better thought-out.

Mayor Levine is in favor of figuring out an elegant plan for North Beach. The Mayor stated that the MiMo designs in North Beach are tremendous and they need to be preserved, but they need to come up with a great plan to make sure they have a historic designation, but that it also works with the economic growth of the area, and this will require real studies, input, bringing preservationists together in a committee to discuss what works for North Beach and the City. He agrees with Commissioner Weithorn that this needs more analyzing and discussions, but they need to move forward in a way that everyone is involved and it requires more studies.

Commissioner Malakoff explained that she served on the HPB several years ago when Altos del Mar was designated a Historic District, and she thinks it is important that buildings in North Beach be preserved; however, when LUDC looked at this item, they suggested that the parameters be changed, that they be delineated better and contained historic buildings, but there was also a request to delay it until December, until Alan Schulz had completed his study in North Beach and a master plan was done. The panel had suggested that historic preservation be a major component and requested that HPB delay consideration of the designation as a Historic District for these two areas, to give the City time to complete the master plan with a strong consideration for historic preservation. The areas designated make sense; but it is just premature by a few months and she thinks they should wait for the results of the reports.

Discussion held.

Raul J. Aguila, City Attorney, in answering Commissioner Wolfson's question, explained that the zoning designation is subject to final Commission approval. What happens now is that after the HPB recommended designating the district yesterday, they also directed the Planning Department to prepare a report. Within 60 days of the vote of the HPB to have Planning prepare the report, the City Commission, prior to receiving the report, can take action by 5/7 vote to either deny, approve or modify the district.

Commissioner Wolfson expressed his concerns is that the historic integrity of the different districts are varied, and there are buildings that have historic character, but at the same time there are buildings that could use new construction. He stated that the biggest problem in North Beach is the prices for these properties are too high and there is no real movement to buy and rebuild.

Commissioner Steinberg agreed with what Mayor Levine and Commissioners Malakoff and Weithorn stated; however, she has not had the chance to review the HPB process yesterday, and does not feel comfortable voting on this item today, and she cannot support overturning anything before having the opportunity to see it.

Raul J. Aguila, City Attorney, advised the City Commission that there is zoning in progress.

Mayor Levine added that they need a Historic District, but they need to understand it and put this properly. He rather not be fast, but be right.

Discussion held.

Motion made by Commissioner Weithorn to deny the designation and bring back to the December 17, 2014 Commission meeting; seconded by Vice-Mayor Grieco. Roll call vote was taken. 6-1; Opposed by Commissioner Steinberg.

Vice-Mayor Grieco added that they spent time and energy on Blue Ribbon Panels and Master Planning and in discussions at LUDC and they asked for a delay on this decision so that a comprehensive plan be put together, and it may be that in December they approve the same situation, but it is the timing of it that everyone is concerned about.

Commissioner Weithorn stated, for the record, that one of the other issues is that they have a great deal of North Beach initiatives, and to not reconcile them all she is afraid is just a mistake, and they may end up in the same place, but requested to reconcile all the initiatives and do it thoughtfully and elegantly.

### **R10 - City Attorney Reports**

R10A City Attorney's Status Report.

**ACTION:** Report given.

### **Reports and Informational Items**

1. Reports and Informational Items (see LTC 304-2014)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.  
(City Clerk's Office)

### **ADDENDUM MATERIAL 2:**

4. Report of the Mayor's Blue Ribbon Panel on North Beach.  
(Tourism, Culture & Economic Development)

### **End of Regular Agenda**

Meeting adjourned at 6:25 pm